

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39269 of 2018

Arising Out of PS. Case No.-378 Year-2016 Thana- DHAKA District- East Champaran

Nitish Kumar @ Nitesh Kumar @ Nitish Singh S/o Sri Bipin Bihari Singh,
R/o Vill.- Siswa Mangal, P.S.- Pachpakari, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 29-08-2018 Heard both sides.

The petitioner apprehends his arrest in Dhaka P.S. Case No.378 of 2016, registered under Sections 272 and 273 of the Indian Penal Code as well as under Sections 30(a) and 37(b) of the Bihar Excise Act, 2016.

Mr. Krishna Kant Singh, the learned counsel for the petitioner submits that prayer for anticipatory bail of the petitioner was earlier rejected on 12.07.2017 for non-prosecution as on call none appeared on behalf of the petitioner. That is why the petitioner again filed petition for anticipatory bail. It is further submitted that 11 persons were arrested on spot who had taken wine but at the fag end of the *fardbeyan*, one Mantu Tiwary is said to have disclosed that the petitioner is the owner of the motorcycle lying on the spot but no article was



recovered from the motorcycle of the petitioner.

It appears that the petitioner was not arrested on the spot. Nothing has been recovered either from the possession of the petitioner or from the possession of the motorcycle, which is said to be lying where some person were creating nuisance after taking wine.

Considering the facts aforesaid, the petitioner is directed to be released on bail in the event of his arrest or surrender within a period of six weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-7th-cum-Special Judge, Excise, East Champaran in connection with Dhaka P.S. Case No.378 of 2016, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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