

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2992 of 2019

Arising Out of PS. Case No.-172 Year-2018 Thana- BHAGWANPUR District- Begusarai

1. Nitish Kumar @ Nitesh Kumar son of Avinash Sinha, Resident of village-Baghi Muhalla, P.S.-Town (Lohiya Nagar, O.P.), District- Begusarai.
2. Rajan Kumar @ Ranjan Kumar, son of Shankar Sah Resident of Rasalpur, P.S.- Bhagwanpur, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 26-03-2019 The petitioners apprehend their arrest in connection with Bhagwanpur P.S.Case No. 172 of 2018 registered under Sections 30(a) of the Bihar Prohibition and Excise Act.

Allegation as per FIR is that police on information intercepted a vehicle but the driver including the accused persons succeeded in fleeing away and from vehicle 258 litres of foreign liquor along with a driving licence in the name of petitioner no. 1 have been recovered. Later on, one Dharmbir Mahton @ Laphu was arrested who disclosed the name of this petitioner in this case.

Submission of learned counsel for the petitioners is that nothing has been recovered from their possession and they have



been implicated only on the basis of confessional statement of co-accused and petitioners have no criminal antecedents. He submits that co-accused Dharambir Kumar has been granted regular bail by a co-ordinate Bench of this court vide order dated 06.12.2018 passed in Cr.Misc. No. 72918 of 2018 and other accused persons have also been granted regular bail vide order dated 13.12.2018, 04.01.2019, 04.02.2019 and 19.02.2019 passed in Cr.Misc. No. 74999 of 2018, Cr.Misc. No. 78992 of 2018, Cr.Misc. No. 5912 of 2019 and Cr.Misc. No. 9725 of 2019 respectively.

Heard learned APP also who has opposed the prayer of anticipatory bail on the ground that from the vehicle, driving licence of the petitioner no. 1 was recovered and his name was also transpired in the confessional statement of co-accused.

Having heard both sides and in the facts and circumstances, as stated above, so far as petitioner no. 1 is concerned, I am not inclined to grant privilege of anticipatory bail to him rather he should surrender within a period of six weeks from the date of receipt of a copy of this order and make prayer for regular bail, which shall be considered and disposed of on its own merit without being prejudiced by this order.

So far as petitioner no. 2, namely, Rajan Kumar @ Ranjan



Kumar is concerned, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of a copy of this order, he is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Mr. Anil Kumar Sinha, Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai in connection with Bhagwanpur P.S. Case No. 172 of 2018; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Vinod Kumar Sinha, J)

sujit/-

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