

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47785 of 2019

Arising Out of PS. Case No.-174 Year-2019 Thana- BRAHMPURA District- Muzaffarpur

Nirbhay Kumar Son of Shiv Nandan Singh Resident of Shiv Balak Bigha,
P.S.-Mahendiya, District-Arwal A/p-Constable, Dist. Police Force,
Muzaffarpur, P.S.-Town, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-07-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection
with Brahampura P.S. Case No. 174 of 2019, registered under
Section 37(c) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the FIR, is
that police party in course of patrolling arrested one person, who
was lying near Tripti Hotel in intoxicated condition. It has
further been alleged that the petitioner had provided illicit liquor
to the person, who was arrested in intoxicated position by the
police.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in the



present case. He further submits that petitioner was deputed as bodyguard of District Magistrate, Muzaffarpur, where the concerned person was driver of District Magistrate, Muzaffarpur. He further submits that the name of the petitioner came on the basis of statement made by the person, who was arrested in drunken condition by the police and there is no material before the police to connect the petitioner in the present offence. He further submits there is no criminal antecedent against the petitioner.

After having heard learned counsel for the parties and taking into consideration the fact that no recovery of illicit liquor has been made from the conscious possession of the petitioner and name of the petitioner has come on the basis of statement made by the co-accused who was caught in the drunken position, I am inclined to grant anticipatory bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, abovenamed, in the event of arrest or surrender before the court below within a period of four weeks from today, be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in



connection with Brahmpura P.S. Case No. 174 of 2019; subject
to condition as laid down hereinabove and under Section 438(2)
of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

S.Katyayan/-

U		T	
---	--	---	--

