

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 74423 of 2019**

Arising Out of PS. Case No.-143 Year-2019 Thana- KHUDAGANJ District- Nalanda

NISHANT KUMAR Son of Umesh Prasad Rakesh @ Rakesh Kumar
Resident of Village - Jethauna, P.S.- Khudaganj, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s : Mr. Anil Kumar Singh
For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara

**CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 25-11-2019 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner apprehends arrest in a case registered under
Section 30 (a) of Bihar Prohibition and Excise Act.

It is submitted by the learned counsel for the
petitioner that while the petitioner's shop was closed, the owner
of the market has stated about the petitioner being tenant in the
shop from which the recovery of 10 liters foreign liquor is
alleged. It is submitted that the petitioner has no concern with
the recovery which is alleged to have been done behind his
back. The landlord was also having duplicate key of the shop in
question. Petitioner is having no criminal antecedent. It is also
submitted that no offence under the Excise Act has been made
out.

Learned APP for the State has opposed the prayer.



Upon hearing the learned counsel for the petitioner and the learned APP for the State, for the limited purpose of bail, this Court is inclined to accept the petitioner's submission.

Let the petitioner above named, in the event of his arrest or surrender within four weeks from today, shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Nalanda at Biharsharif in Khudaganj Police Station Case No 143 of 2019 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code and also the following conditions:

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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