

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No. 19004 of 2020

Nitish Kumar @ Nitish Kumar Yadav, S/o Jay Prakash Yadav  
resident of village Koriyahi, P.S. Laukahi District Madhubani.

.....Petitioner

Versus

The State of Bihar

.....Opposite Party

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Appearance

For the Petitioner : Mr. Ratnakar Jha, Advocate

For the State : Ms. Gulnar Begum, APP

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CORAM : HONOURABLE MR. JUSTICE PARTHA SARTHY

Oral Order

2 20.7. 2020

Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Laukahi P.S. Case no. 177 of 2019 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, late in the night two persons on a motorcycle were signaled to stop by the police party. A four-wheeler vehicle was following them. It is stated that two persons on the motorcycle, taking



benefit of the darkness, managed to escape. The four-wheeler vehicle was stopped and on search 1053 litres of illicit liquor was recovered. It is further stated that the accused person who was caught at the place of occurrence disclosed the petitioner as being one of the two accused persons who had escaped on the motorcycle .

It is submitted by learned counsel for the petitioner that neither the petitioner was arrested at the spot nor any incriminating article has been recovered from his possession. Besides his name transpiring on the statement of a co-accused made before the police, there is no other material against him. The petitioner has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and in the facts and circumstances of the case, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Laukahi P.S Case no. 177 of 2019 he will be enlarged on bail 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 II<sup>nd</sup> -cum-Special Judge (Excise Act), Madhubani subject



to the conditions as laid down in section 438(2) of the Criminal Procedure Code.

**(Partha Sarthy, J)**

**Prakash**

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