

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26632 of 2020

Arising Out of PS. Case No.-23 Year-2020 Thana- DALSINGHSARAI District- Samastipur

1. PAWAN KUMAR Son of Late Ganga Mahto Resident of Village - Mokhtiyarpur, Salkhanni, P.S.- Dalsing Sarai, District - Samastipur.
2. Nitish Kumar @ Nitesh Kumar @ Munna Son of Satya Narayan Patel Resident of Village - Baikunthpur, P.S.- Ujiyarpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prem Prakash Poddar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 04-11-2020 The matter has been taken up through virtual Court proceeding.

Let the defects be removed within two weeks of the start of the physical Court.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 30(A) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

Foreign liquor was recovered from the open space and allegation is that petitioners and others fleeing from the place of occurrence.

Petitioner No. 2 Nitish Kumar @ Nitesh Kumar @ Munna has got criminal antecedent of identical nature. Hence, I am not



inclined to enlarge him on anticipatory bail. Accordingly, his prayer for anticipatory bail is refused.

Petitioner No. 1 Pawan Kumar has got no criminal antecedent nor there is any direct material against him, let the petitioner no. 1 Pawan Kumar, in the event of his arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Dalsingsarai Police Station Case No. 23 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the following conditions:-

(a) The petitioner no. 1 shall fully cooperate with the investigation/trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner no. 1.

(b) Both the bailors shall be resident of the territorial jurisdiction of the learned court below.

(Birendra Kumar, J)

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