

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83266 of 2019**

Arising Out of PS. Case No.-70 Year-2019 Thana- DARPA District- East Champaran

NAWAL SAH @ NAWAL KUMAR Son of Rajeshwar Sah Resident of  
Village - Tinkoni, P.S.- Darpa, Distt - East Champaran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Pramod Kumar Pandey

For the Opposite Party/s : Mr.Mukesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      07-01-2020                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with Darpa P.S. Case No. 70/2019 registered under Sections 272/273 of the Indian Penal Code and Section 30 (a) of Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that the seized liquor has not been recovered from conscious possession of the petitioner, the brother of the petitioner was driving the vehicle from which the illicit liquor has been recovered, however petitioner has got no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer of anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein the brother of this petitioner has made self-statement saying that he was driving the vehicle from which the illicit liquor has been recovered and that he was running the said auto-rickshaw after hiring the same from his brother (the petitioner) and that petitioner was not in the said auto-rickshaw when the



same was intercepted and the illicit liquor was recovered as also that this petitioner has no criminal antecedent, in the event of his arrest/surrender before the court below within a period of four weeks, let the above-named petitioner be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, East Champaran, Motihari, in connection with Darpa P.S. Case No. 70/2019, subject to condition as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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