

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84932 of 2019**

Arising Out of PS. Case No.-339 Year-2019 Thana- MOUZAHDIPUR District- Bhagalpur

NISHIKANT AMBASTHA @ NISHIKANT AMBASTA Son of Rajnikant Ambastha Resident of Village-Ahmad Ali Lane, Sikandarpur, P.S-Mojahidpur, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey
For the Opposite Party/s : Mr.Satyadeo Singh Yadav

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

2 09-01-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner in the present case is seeking regular bail in connection with Mojahidpur P.S. Case No. 339/2019 registered under Sections 30(a), 32(2) and 30(g) of Bihar Prohibition & Excise Act, 2016.

Learned counsel for the petitioner submits that this petitioner was arrested from a red colour car but from the said car no illicit liquor had been recovered. Learned counsel submits that petitioner is in custody since 03.12.2019 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case



and the submissions of learned counsel for the petitioner referring to the first information report that this petitioner was arrested from a red colour car but from the said car no illicit liquor had been recovered and it is only after few minutes when another silver colour car came and the same was stopped by the Police from the Dicky of the silver colour car the illicit liquor was recovered, there being no recovery from the car of this petitioner and the petitioner having no criminal antecedent, let the above-named petitioner be released 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 2nd Additional Sessions Judge – cum – Special Judge, Excise Act, Bhagalpur, in connection with Mojahidpur P.S. Case No. 339/2019, subject to the condition as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such 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 or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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