

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37306 of 2020

Arising Out of PS. Case No.-82 Year-2020 Thana- KHAGAUL District- Patna

NIRAJ KUMAR Son of Munna Paswan R/o-Rampur Garikhana, P.S-
Khagaul, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary

For the Opposite Party/s : Mr. Mohammed Arif

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 02-07-2021 As prayed for, let the learned counsel appearing for
the petitioner remove the defect(s), as pointed out by the office
vide its notes dated 19.12.2020, within four weeks of starting of
Court proceeding in physical mode in normal course.

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

The petitioner apprehends his arrest in connection
with SPL Case No. 2935 of 2020, arising out of Khagaul P.S.
Case no. 82 of 2020, registered under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

The accusation is that on receiving secret
information about selling of liquor by Vinod Paswan @
Kamaldar, Niranjan Kumar and Niraj Kumar (Petitioner) in the
lane of Garikhana Bank of India near the house of Renu Devi,



the informant along with other Police personnel reached there. On seeing the Police personnel, three persons started fleeing leaving the scooty, while they were chased, but, they managed to escape taking advantage of mob. On search of scooty, 22 pouches, each containing 180 ML, 04 bottles, each containing 750 ML and 03 bottles, each of 375 ML Indian Made Foreign Liquor recovered from the dickey of the scooty. On query, the local people disclosed the name of persons, who succeeded to flee away as Vinod Paswan @ Kamaldar, Niranjana Kumar and Niraj Kumar (Petitioner).

Learned counsel for the petitioner submits that it would appear from the F.I.R. that petitioner neither apprehended on the spot nor he is owner of the scooty from which the alleged Indian Made Foreign Liquor is said to be recovered. Further submission is that petitioner has falsely been implicated in this mere on suspicion. The petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like



amount each to the satisfaction of learned Special Judge, Excise
Act, Patna in connection with SPL Case No. 2935 of 2020,
arising out of Khagaul P.S. Case no. 82 of 2020, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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