

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28753 of 2021

Arising Out of PS. Case No.-162 Year-2020 Thana- PARIHAR District- Sitamarhi

PAPPU NAYAK @ HARENDRA NAYAK S/o Ram Swarth Nayak Resident
of Village - Parihar Tole Jhapaha, P.S. - Parihar, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 02-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Parihar P.S. Case no. 162 of 2020 instituted for the offence
under Sections 30(a), 38(i)(ii) and 41 of the Bihar Prohibition
and Excise Act.

Prosecution case relates to recovery of 175 litres
IMFL from a car bearing registration no. DLCH3551 and co-
accused Roshan Kumar, driver of the car was apprehended on
spot.

Learned counsel appearing on behalf of the petitioner
has submitted that petitioner is innocent and has committed no
offence. He has got no criminal antecedent. Petitioner has no



concern with the alleged recovery. The name of the petitioner has been disclosed in this case by the co-accused, namely, Raushan Kumar who was driver of the car, was arrested on spot. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession. In para 11 of the petition, petitioner has denied about the ownership of the vehicle in question.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Parihar P.S. Case no. 162 of 2020, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-II-cum-Special Judge Excise Act, Sitamarhi subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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