

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30984 of 2022

Arising Out of PS. Case No.-448 Year-2021 Thana- MAKHDUMPUR District- Jehanabad

1. AMIT KUMAR Son of Shambhu Sharan Resident of Village - Karauta, P.S.- Parasbigha, District - Jehanabad.
2. Nitish Kumar Son of Girijesh Kumar Resident of Village - Karauta, P.S.- Parasbigha, District - Jehanabad.
3. Nikhil Kumar Son of Raghvendra Sharma Resident of Village - Shesamba, P.S.- Shakurabad, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad
For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-11-2022 Supplementary affidavit has been filed by the learned counsel for the petitioner during course of day. Let the same be kept on record.

Heard learned counsel for the petitioners and learned APP for the State.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Makhdumpur (Tehta OP) P.S. Case no. 448 of 2021 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of total 160 liters



illicit India made foreign liquor of different brands from a vehicle bearing Registration No. JH-0P-9288.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have falsely been implicated in this case. They have got no criminal antecedent. Petitioners not named in the FIR and have no concern with the alleged recovery of illicit liquor or with the place of occurrence. The name of the petitioners have been disclosed in this case by the co-accused persons, who were arrested on spot. It is further submitted that neither the petitioners were arrested on spot nor any incriminating article has been recovered from their conscious possession.

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 petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Makhdumpur (Tehta OP) P.S. Case no. 448 of 2021, they 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 Exclusive Special Excise Court No. 01, Jehanabad subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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