

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51553 of 2022**

Arising Out of PS. Case No.-134 Year-2022 Thana- BARAUNI District- Begusarai

Nitish Kumar S/O Adhik Paswan @ Ajit Paswan Resident of Village-  
Rachiyahi, Ward No- 06, Purani Tola, P.S.- Muffasil (Singhoul O.P.), District-  
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Nityanand

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      15-11-2022                      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 Barauni P.S. Case no. 134 of 2022 instituted for the offence  
under Sections 30(a), 41(i) of the Bihar Prohibition of Excise  
Act.

Prosecution case relates to recovery of total 193.02  
liters illegal liquor of different brands from a Scorpio Jeep  
bearing Reg. No. BR09H-8384.

Learned counsel appearing on behalf of the petitioner  
has submitted that petitioner is innocent and has committed no  
offence. He has falsely been implicated in this case on mere  
suspicion. Petitioner has no concern with the alleged recovery of  
illicit liquor and vehicle in question or with the place of



occurrence. The name of the petitioner has been disclosed in this case on confessional statement of the co-accused, namely, Vikash Kumar who was arrested on spot. It is further submitted that neither the petitioner was arrested on spot nor any incriminating article has been recovered from his 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 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 Barauni P.S. Case no. 134 of 2022, 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 Exclusive Excise Judge-I, Begusarai subject to the conditions as laid down under section 438(2) of the Cr.P.C.

**(Sunil Kumar Panwar, J)**

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