

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68991 of 2021

Arising Out of PS. Case No.-294 Year-2021 Thana- HISUWA District- Nawada

1. NITISH KUMAR Son of Bishu Raut @ Birendra Kumar Resident of Village- Nandlal Bigha, P.S.- Hisua, District- Nawada.
2. Munna Kumar Son of Vinod Raut Resident of Village- Nandlal Bigha, P.S.- Hisua, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-05-2022 Heard the parties.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

At the very outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail of the petitioner no.1, as he has already been arrested.

Permission is granted.

Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner no.1 is dismissed as withdrawn.



Now, the present application is being heard on the prayer of grant of anticipatory bail on behalf of petitioner no.2 only.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 62 liters of country made liquor is said to have been recovered from the house of one co-accused. It is confessed by apprehended co-accused that the petitioners work as liner in carrying liquor from Toto.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Allegation against him is that he is a liner involved in business of liquor. He has no concern either with the seized liquor or any trade of liquor. The said e-rickshaw does not belong to the petitioner. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner no.2 is agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) in the Patna High Court



Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner no.2, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Hisua P.S. Case No.294 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of



anticipatory bail on the ground of misuse.

The bail bond of the petitioner no.2 shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00/- (Rupees Ten Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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