

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64298 of 2022

Arising Out of PS. Case No.-370 Year-2021 Thana- BIBHUTIPUR District- Samastipur

NITISH KUMAR @ SATYAM S/o Late Subodh Singh R/v- Sakhmohan,
P.S.- Vibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 32(ii), 32(iii), 36, 41(i) and 41(ii) of the Bihar Excise Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of 9 cases and allegation is of recovery of 4518 liters of liquor from a truck.

Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was recovered from his conscious possession, it is next submitted that he came to be implicated based on confessional statement of Krishna, Anil Kumar and Santosh Kumar in police custody which does not have any evidentiary value. It is also submitted



that petitioner because of his antecedent has been falsely implicated by the police through the accused persons, it is also submitted that petitioner in similar manner has been implicated in many cases, it is next submitted that petitioner is neither the owner nor the driver of the truck.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bibhutipur P.S. Case No. 370 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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