

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66844 of 2022**

Arising Out of PS. Case No.-128 Year-2022 Thana- JAMALPUR District- Munger

Nihal Kumar S/O Ram Pravesh Yadav R/O Village- Khash Pattam (Mahamda Paniyalachak), P.S.- Naya Ram Nagar, Distt- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh
For the Opposite Party/s : Mr.Binod Kumar

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

2 09-12-2022 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 Jamalpur P.S. Case no. 128 of 2022 instituted for the offence under Sections 30(a) and 32 of the Bihar Prohibition of Excise Act, 2018.

Prosecution case relates to recovery of 48.750 litres of I.M.F.L., from the bag of apprehended co-accused persons, namely, Ashutosh Kumar & Praveen Kumar.

Learned counsel appearing on behalf of the



petitioner has submitted that petitioner is innocent and has committed no offence. He has no concern either with the alleged recovery or with the place of occurrence. The name of the petitioner has been disclosed in this case by the apprehended co-accused before the police, which has no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his 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 Jamalpur P.S. Case no. 128 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 Special Court
Excise-1, Munger subject to the conditions as laid down
under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

nirajkrs/-

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