

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8943 of 2023**

Arising Out of PS. Case No.-412 Year-2022 Thana- BAHADURPUR District- Patna

NIRBHAY KUMAR @ NIRBHAY SINGH Son of Rajmani Singh R/o  
Bahadurpur Gaon, P.s- Bahadurpur, Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Amresh Kumar Sinha, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      19-05-2023      Heard Mr. Amresh Kumar Sinha, learned counsel for  
the petitioner and Mr. Md. Iftekhar Mahmood, learned  
Additional Public Prosecutor for the State.

2. Petitioner apprehends his arrest in connection with  
Bahadurpur PS Case No. 412/2022 dated 06.12.2022 registered  
for the offence punishable under Sections 30(a), 32(2)(3), 36,  
41(i), (ii) of Bihar Prohibition & Excise Act, 2018

3. As per First Informant Report 18 litres of foreign  
illicit liquor has been recovered from the apartment of one  
Harendra Singh who was arrested and upon enquiry, it was said  
that the liquor belongs to one Pintu Singh. It has further been  
alleged that the arrested accused person also disclosed that Pintu  
Singh and his uncle, Nirbhay Kumar @ Nirbhay Singh i.e.,  
petitioner and one tenant of Pintu Singh, namely, Vivek Kumar



had kept the consignment of liquor in the flat.

4. Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has been implicated in this case on the basis of statement made by arrested co-accused person. He next submits that from perusal of the seizure list, it would be evident that the said flat does not belong to the petitioner and no illicit liquor has been recovered from the conscious possession and or from the premises of the petitioner. There is no likelihood that the petitioner will abscond or tamper with the evidences.

5. Regards being had to the submissions made by the parties, taking into consideration the fact that the petitioner is not the owner of the flat, his name has transpired on the basis of disclosure made by the arrested co-accused and petitioner has got no criminal antecedent, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, let the petitioner, named above, in the event of arrest or surrender within four weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Patna City in connection with Bahadurpur PS Case No.



412/2022, subject to the condition as laid down under Section  
438(2) CrPC.

**(Anil Kumar Sinha, J)**

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