

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9402 of 2023

Arising Out of PS. Case No.-776 Year-2021 Thana- BIHTA District- Patna

NITI RAJ @ NITI RAJKUMAR S/o Vijay Bahadur Singh R/o Village-
Basaudha, P.S.- Bihta, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Nandan

For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-04-2023 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 Section 30 (a)/38 (2)/41 of the Bihar Prohibition and Excise Act, 2018.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 1811.88 liters of foreign liquor is said to have been recovered from a truck. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The said truck was recovered from the closed poultry farm of Satender Singh and the petitioner has no concern either with seized liquor or the truck in question. Petitioner is neither the driver nor the owner



of the said truck. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is violation of Section 100 Cr.P.C. He was not apprehended on the spot. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.1,00,000.00 (Rupees One Lakh) in the account of Bihar State Bar Council Welfare Fund, bearing Account No.31861041899, IFSC : SBIN0010340, State Bank of India, High Court Campus Branch, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Bihta (Neura O.P.) P.S. Case No. 776 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.



(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Bihar State Bar Council Welfare Fund.

(Anjani Kumar Sharan, J)

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