

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24507 of 2023

Arising Out of PS. Case No.-99 Year-2019 Thana- VAISHALI District- Vaishali

NITESH KUMAR SON OF SHREE SHYAM KUMAR SINGH R/O
VILLAGE- DHARAMPUR, P.S.- VAISHALI (BELSAR OP), DISTRICT-
VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr. Ahmad Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 24-05-2023 Heard learned Senior 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(2) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned Senior Counsel for the petitioner submits that petitioner is a person with clean antecedent.

Allegation is of recovery of 3766.68 litres of liquor from a truck and different vehicles as detailed in the FIR and some accused were arrested.

Learned Senior Counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted



that name of the petitioner transpired based on the confessional statement of co-accused in police custody which does not have any evidentiary value in the eye of law. It is next submitted that petitioner had moved earlier before this Court for grant of anticipatory bail but the same was rejected by order dated 03.09.2019 in Cr. Misc. No. 55548 of 2019. It is also submitted that similarly situated other co-accused like the petitioner have been granted privilege of anticipatory bail by different Coordinate Benches of this Court vide order dated 26.10.2021 in Cr. Misc. No. 17576 of 2020, order dated 27.06.2019 in Cr. Misc. No. 39291 of 2019 and order dated 06.11.2019 in Cr. Misc. No. 68341 of 2019. Learned Senior Counsel thus submits that all the co-accused have been granted anticipatory bail their name also transpired in the confessional statement of co-accused in police custody. It is next submitted that petitioner is also not the owner of any of the seized vehicle as pleaded in the supplementary affidavit which the learned Senior Counsel submits that the same will be filed today. Considering his submission, the Court takes note of the fact that petitioner is not the owner of any of the seized vehicle.

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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.1,000/- (Rupees One 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 Vaishali (Belsar OP) P.S. Case No. 99 of 2019, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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