

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35884 of 2023

Arising Out of PS. Case No.-193 Year-2023 Thana- MADHEPURA District- Madhepura

Nanhka Swarnkar @ Nanku Kumar Son of Kailash Swarnkar Resident of Village- Gandhi Nagar, Ward No. 02, PS- Madhepura (Bharrahi O.P.), District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-07-2023 Heard Mr. Sanjay Kumar Singh, learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Madhepura (Bharrahi OP) P.S. Case No. 193 of 2023, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. In course of vehicle checking, the police intercepted two motorcycles and apprehended the co-accused Jaskaran Kumar. During search, total 27.5 *chulai* liquor was recovered. The apprehended person disclosed the name of the petitioner who succeeded in fleeing away.

4. Learned counsel appearing on behalf of the



petitioner submits that the petitioner has neither any concern with the motorcycle nor with the alleged recovered illicit liquor. He further submits that the petitioner is a man of fair antecedent and save and except the disclosure made by the co-accused, there is no iota of evidence suggesting his complicity in the present crime. He lastly submits that the petitioner undertakes that he will fully cooperate during the course of investigation and will not indulge in intimidating the witnesses.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has come on the disclosure of co-accused persons, who was apprehend at the spot along with the illicit wine and the petitioner has no concern with the motorcycle, coupled with the fair antecedent, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-V-cum-Special Excise Judge-1st,



Madhepura in connection with Madhepura (Bharrahi OP) P.S.
Case No. 193 of 2023, subject to the conditions laid down in
Section 438(2) Cr.P.C. with the further condition that one of the
bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

Anjani/-

U		T	
---	--	---	--

