

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36269 of 2023

Arising Out of PS. Case No.-114 Year-2019 Thana- RAUTARA District- Katihar

NIKHIL KUMAR @ AKHIL KUMAR Son of Late Binod Kumar Sharma
Resident of Mohalla - Buddhuchak, Barmasia, P.S.- Katihar, District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajendra Prasad Sah
For the Opposite Party/s	:	Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 26-07-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Rataura PS Case No. 114 / 2019, G.R. No. 4471 / 2019 dated 01.10.2019 registered under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the FIR, Police intercepted a Swift Suzuki Car and recovered a total quantity of 114.480 liters of foreign liquor. The driver of the Car on seeing the Police party fled away. The petitioner has been made accused on the basis of the fact that he is the registered owner of the vehicle in question.

4. Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and the car, which was seized by the Police along with illicit liquor was sold by the petitioner in favour of his purchaser



namely, Md. Tajammul Haque on 25-02-2019 and the occurrence had taken place on 30.09.2019, which would be evident from Annexure-2 of the bail application.

5. Regard being had to the submission made by the parties, taking into consideration the fact petitioner has got no criminal antecedent and prior to the date of occurrence the car in question had been transferred by the petitioner in favour of Md. Tajammul Haque, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge, Exclusive Special Excise Court No. 2, Katihar in connection with Rataura PS Case No. 114 / 2019 , G.R. No. 4471 / 2019 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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