

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47195 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- KHUSRUPUR District- Patna

Nitesh Kumar @ Nitish Kumar Son of Mundrika Singh, Resident Of Village-
Dhupan Tola, P.S.- Khusrupur, Distt- Patna

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shambhu Narayan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Khusrupur P.S. Case No. 46 of 2023 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act. He has got no criminal antecedent.

3. Learned counsel for the petitioner submits that 20 litres of country made liquor has been recovered by police from a tempo bearing Registration No. BR01PH-1344 and the seized tempo belonged to the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no concern with the alleged recovered liquor.



5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that the petitioner is though owner of the vehicle but he claims that at the time of the alleged recovery, he was not present at the place of recovery, he has otherwise no criminal antecedent, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Khusrupur P.S. Case No. 46 of 2023 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 of Exclusive Special Court of Excise, Patna City, Patna, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the petitioner shall appear before the Investigating Officer within a period of four weeks from today and shall cooperate in course of investigation.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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