

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49309 of 2023

Arising Out of PS. Case No.-222 Year-2022 Thana- HULASGANJ District- Jehanabad

Nikhil Kumar, S/O Nityanand Sharma, Residence Of Village- Begni P.S.-
Hulashganj District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner is apprehending his arrest in connection with Hulashganj P.S. Case No. 222 of 2022, registered on 25.09.2022 for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, police received secret information that illicit liquor was being transported through a bus with the help of its driver and cleaner. The bus was intercepted and recovery of 135.25 litres of India made foreign liquor was made from the said bus. Co-accused driver and Kunal Kumar named the petitioner and 3-4 persons for being involved in transportation of illicit liquor.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of this petitioner. The petitioner has no involvement in any manner with the illicit liquor. The bus from which recovery has been made does not belong to this petitioner. Petitioner was not seen anywhere near the spot from where the recovery has been made. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of this petitioner and also considering the clean antecedent of the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-I, Jehanabad/court concerned, in connection with Hulashganj P.S. Case No. 222 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and



the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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