

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62576 of 2023

Arising Out of PS. Case No.-133 Year-2022 Thana- RISIYAP District- Aurangabad

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NISHA KUMAR @ SUBODH KUMAR Son of Suresh Baitha Resident of
Village-Karkata, P.S.-Risiyap, District-Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Nagendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-10-2023 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Risiyap PS case no. 133 of 2022, disclosing
offences punishable under Section 30(a) of Bihar Prohibition
and Excise Act.
3. The prosecution case in nutshell is that 30 liters of
mahua liquor has been recovered from near the Pipal tree and
co-accused namely Sanjit Kumar was arrested from the spot,
who disclosed the name of the petitioner as his accomplice, who
is succeeded in fleeing away upon seeing police party.
4. Learned Counsel for the petitioner submits that
petitioner has falsely been implicated in this case on the basis of
disclosure made by the arrested co-accused. It is further



submitted that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor from his house.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that the illicit liquor has not been recovered either from the conscious possession of the petitioner or from his house, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Aurangabad in connection with Risiyap PS case no. 133 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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