

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65242 of 2023

Arising Out of PS. Case No.-491 Year-2023 Thana- Excise P.S. District- Madhepura

Nitin Kumar@ Kumar Nitin Son of Pramod Yadav @ Pramod Kumar
Resident of Village- Sahugardh Ward No. 10, Ps- Madhepura, Distt-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-11-2023 Learned counsel for the petitioner is permitted
to make necessary correction in para 1 of the bail petition during
course of the day.

2. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in
connection with Excise P.S. Case No. 491/2023 registered for
the offences punishable under Sections 30 (a) of the Bihar
Prohibition and Excise (Amendment) Act.

4. As per prosecution case, there is alleged
recovery of 835.560 liters foreign liquor from the tube-well
house of co-accused, Sanjay Yadav and local people disclosed
the name of petitioner and others who fled away from the place



of occurrence.

5. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. The petitioner bears no criminal antecedent. He further submits that the place of recovery is an open place, which is accessible to all. He further submits that nothing has been recovered from the conscious possession of the petitioner and the said liquor has been recovered from the tube-well house of co-accused Sanjay Yadav. He further submits that the petitioner was not present at the spot. He further submits that except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the seizure list has not been prepared as per the law. He further submits that in the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

6. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into



consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII cum Special Judge- Excise-II, Madhepura in connection with Excise P.S. Case No. 491/2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Alok Kumar Pandey, J)

amitkumar/-

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

