

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65654 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- ARA NAWADA District- Bhojpur

NISHANT AKRAM @ NISHAT AKRAM Son of Irfan Akram Resident of
Village-Ashiana Colony, Police Station-Town, District-Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 08-12-2023 Heard Mr. Anil Kumar Singh, learned Counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Ara Nawada P.S. Case No. 176 of 2023 for the offence registered under sections 188 and 353 of the Indian Penal Code and section 30(a) of the Bihar Prohibition and Excise Act lodged on 16.03.2023 by the informant, Dharmendra Kumar.

3. As per the prosecution story, the police upon information went near '*Ramna Maidan*' found a four wheeler (Tata Nexon), intercepted, the driver manage to escape and upon search, 2 bottles of 750 ml foreign liquor recovered/seized. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that he only being the owner of the car, the same was taken by the



driver and he had no knowledge about the presence of the said bottles.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

6. Taking into account the submissions put forward by the parties as also the recovery/seizure, FIR lodged and ultimately he will be facing the trial, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1st Bhojpur at Ara in connection with Ara Nawada P.S. Case No. 176 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

8. With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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