

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69225 of 2023

Arising Out of PS. Case No.-497 Year-2023 Thana- BARHARA District- Bhojpur

NITISH KUMAR@ NITISH KURAMA S/O RAM AYODHYA BIN@ RAM
AYODHA PRASAD RESIDENT OF VILLAGE KESHOPUR BIND TOIL
PS BARHARA DISTRICT BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-11-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Barhara P.S. Case No. 497/ 2023 dated 18/08/2023
registered for the offence(s) punishable under Section(s) 30(a)
of Bihar Prohibition & Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to
the recovery of 15 litres of country made Mahua wine near a
poultry farm and as per FIR, the recovery was made at 7.10 PM
in the evening and petitioner has got no connection with the said
poultry farm and he has been dragged in this case only on
account of disclosure made by police Chowkidar, who claimed
that it was the petitioner who fled away after seeing the police



party leaving the alleged wine and admittedly, at the time of recovery it was evening and so, it was not possible for police Chowkidar to identify the petitioner and merely on the basis of suspicion this petitioner has been made accused, who has got no criminal antecedent and the alleged offence of Excise Act does not even prima facie attract against this petitioner hence, his prayer for anticipatory bail is maintainable.

4. Learned APP appearing for the State has opposed the bail prayer.

5. Considering the above submissions, this court is of the opinion that petitioner's prayer for anticipatory bail is fit to be accepted. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Barhara P.S. Case No. 497/ 2023 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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