

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72585 of 2022

Arising Out of PS. Case No.-191 Year-2022 Thana- CHANDI District- Bhojpur

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1. NITISH KUMAR S/O Late Jitendra Singh R/O Village- Salempur, P.S- Chandi District- Bhojpur
 2. Chandan Kumar S/O Late Bhundeo Singh R/O Village- Salempur, P.S- Chandi District- Bhojpur
 3. Rahul Kumar S/O Vijay Singh R/O Village- Salempur, P.S- Chandi District- Bhojpur
 4. Mithilesh Kumar S/O Late Jitendra Singh R/O Village- Salempur, P.S- Chandi District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Adv.

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-02-2023 This case has been listed today under the heading “To Be Mentioned” at the instance of learned counsel for the petitioners.

Learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner no.1, as he has been arrested by the police, during pendency of this application.

Permission is granted.

This application as against petitioner no.1 stands dismissed as withdrawn.



On 11.01.2023, the bail application on behalf of petitioner nos.3 and 4 was dismissed as withdrawn.

Accordingly, now this application is being heard for consideration of anticipatory bail on behalf of petitioner no.2 only.

Petitioner no.2 apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a), 36 of the Bihar Prohibition and Excise Amendment Act, 2018.

Altogether 50 litres of country made Mahua liquor is said to have been recovered from one motorcycle standing on the bank of river Chharki. It is alleged that petitioner and others fled away from the spot.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. His name transpired in this case on the disclosure of the villagers. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The said motorcycle does not belong to the petitioner. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail



application.

Petitioner no.2 is agreed to deposit a sum of Rs.20,000.00/- (Rupees Twenty Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner no.2, 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, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Chandi P.S. Case No.191 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will



inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner no.2 shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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