

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1879 of 2023

Arising Out of PS. Case No.-252 Year-2022 Thana- LALGANJ District- Vaishali

NIKHIL KUMAR @NIKIL KUMAR S/O Police Rai @ Ramuolic Ray R/O
Village- Salempur, P.S- Lalganj, District- Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Adv.

For the Opposite Party/s : Ms.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2023 Heard the parties through virtual mode.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 414 of the IPC and 30(a) of the Bihar Prohibition and Excise Act.

Altogether 40 liters of country made liquor and a motorcycle is said to have been recovered 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. He has been falsely implicated in this case due to village politics. Petitioner has not been apprehended on the spot and has been made accused in the case on the basis of disclosure of his name by the local shepherd that petitioner was the person who fled away from spot on seeing the police. No incriminating article has been recovered from his conscious physical



possession. Petitioner has no concern either with the seized liquor or any trade of liquor. The said motorcycle recovered from the spot does not belongs to the petitioner. Petitioner has one criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Lalganj P.S. Case No.252 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:

(i) 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 shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the PM Cares fund.

(Anjani Kumar Sharan, J)

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