

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10143 of 2024

Arising Out of PS. Case No.-92 Year-2023 Thana- HAYAGHAT District- Darbhanga

Nitish Kumar Son of Ram Lakhan Mahto Resident Of Village- Kanu
Bishunpur, Police Station- Bishunpur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-02-2024

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

2. The petitioner apprehends his arrest in connection with
Hayaghat P.S. Case No.92/2023 registered for the offence punishable
under Sections 30(a), 32(ii) and 41(i)(ii) of Bihar Prohibition and
Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 5413 litres of liquor from a truck, 103.68 litres from a
pick up van and 69.12 litres from another pick up van. It is next
submitted that petitioner was not arrested from the spot as such
nothing was recovered from his conscious possession and petitioner
is a businessman and he came to be implicated based on the fact that
one of the pick up van, which was seized belongs to him. It is next
submitted that no prudent businessman would use his own vehicle for



committing an occurrence and thus would create evidence against himself and hence would get implicated and thus would bring disrepute to the business. It is further submitted that the petitioner was completely unaware that the driver of the pick up van would misuse the vehicle in the manner as alleged.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or 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.500/- (Rupees five hundred) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-1 (Excise Act), Darbhanga in connection with Hayaghat P.S. Case No.92/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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