

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26223 of 2024

Arising Out of PS. Case No.-42 Year-2024 Thana- TEKARI District- Gaya

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Nitish Kumar @ Niteesh Kumar Son of Late Parshuram Singh Resident of
Village- Guljana, P.S.- Tekari, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar

For the Opposite Party/s : Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-04-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30(a) of the Bihar Excise
Act.
3. Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and allegation is of recovery of
16.125 liters of liquor from a cement shop.
4. Learned counsel for the petitioner submits that the
petitioner was not arrested from the spot as such nothing was
recovered from his conscious possession and after the amendment in
the Excise Act in the year 2018, the concept of deemed possession
and presumed offender has been done away with. It is next submitted
that no prudent person would use his own premises for committing
an occurrence and thus would create evidence against himself and
hence would get implicated, it is further submitted that it appears that
some employee of the petitioner might have kept the liquor in the



shop, but then the same was without the knowledge of the petitioner. It is next submitted that he came to be implicated at the instance of *Chowkidar* with whom he is on an inimical term.

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

6. 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Tekari (Pura O.P.) P.S. Case No. 42 of 2024 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear the learned Trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event if it is found that petitioner has antecedent of more than one case in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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