

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26922 of 2024

Arising Out of PS. Case No.-664 Year-2023 Thana- Excise P.S. District- Nawada

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1. Nishu Kumar, Son Of Late Jitendra Singh Resident Of Village- Hadsa, Ps-Hisua, Dist- Nawada
 2. Pawan Kumar, Son Of Late Kapil Singh Resident Of Village- Hadsa, Ps-Hisua, Dist- Nawada

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-04-2024 1. Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in anticipation of their
arrest in a case registered for the offences punishable under
Sections 30(a) and 56(2)(ii) of the Excise Act.

3. The learned counsel for the petitioners submits that
the petitioners are persons with clean antecedent and the
allegation is of recovery of 15 litres of liquor from a plastic
gunny bag alleged to be thrown by Ayush Kumar, 94.980 litres
of liquor from a Silver Santro Car and 150 litres of liquor from a
Hyundai vehicle.

4. The learned counsel for the petitioners submits that



petitioners were not arrested from the spot, as such, nothing was recovered from their conscious possession and are neither the owner nor the driver of the seized vehicles. It is next submitted that petitioners are not even related to Ayush Kumar and they came to be implicated based on secret information, which is the easiest way to implicate someone, when admittedly petitioners are persons with clean antecedent.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2, Nawada in connection with Excise P. S. Case No.664 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is



found that petitioners have antecedent of even one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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