

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36984 of 2024

Arising Out of PS. Case No.-34 Year-2023 Thana- TARAIIYA District- Saran

Isha Nut @ Kameshwar Mistry, Son Of Sadhu Nut @ Daulat Nut, Resident
Of Vill.- Rahimpur @ Yado Rahimpur, P.S.- Marhowrah, Dist.- Saran At
Chapra

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-05-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and is aged
about 71 years and allegation is of recovery of 02 litres of liquor
from Nitesh Kumar.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and even alleged
recovery is from Nitesh Kumar and he came to be implicated



based on confessional statement of Nitesh Kumar in police custody, which does not have any evidentiary value. It is also submitted that a person, who till the age of 71 years, remained a person with clean antecedent, all of a sudden, he came to be implicated in the instant case based on confessional statement in police custody, which does not have any evidentiary value.

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

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned 3rd Exclusive Special Excise Judge, Saran at Chapra in connection with Taraiya P. S. Case No.34 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 petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has 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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