

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42371 of 2024

Arising Out of PS. Case No.-159 Year-2022 Thana- NOORSARAI District- Nalanda

Nitish Kumar @ Nitish Yadav S/o- Late Kishori Yadav Village- Mal Bigha
Ps- Noorsarai Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-07-2024

Heard the parties.

2. The petitioner is apprehending arrest in connection with Noorsarai P.S. Case No. 159 of 2022 instituted under Section 272, 273 of the Indian Penal Code and 30(a) of Bihar Prohibition & Excise Act lodged on 21.4.2022 by the informant, Manoj Kumar.

3. As per the prosecution story, the informant alleged that in course of patrolling and upon secret information, he reached the place and found a person trying to escape. Locals identified him as this petitioner. Further, upon search, in a white plastic, altogether 20 liters of country made chulai liquor recovered/seized which followed the FIR.

4. Learned counsel for the petitioner submits that only because of criminal antecedent, he has been implicated and



admittedly, the recovery is from an open place but the locals due to enmity, named him. He is ready to face the trial.

5. Learned APP opposes the prayer.

6. Taking into account the submissions as also the recovery is from an open place, the petitioner undertakes to diligently appear in trial, this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Noorsarai P.S. Case No. 159 of 2022 to the satisfaction of learned 4th Additional District & Sessions Judge cum special Judge, Excise-II, Nalanda subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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