

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45710 of 2024

Arising Out of PS. Case No.-314 Year-2021 Thana- TAJPUR District- Samastipur

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VIRENDRA NISHAD @ VERENDRA KUMAR NISHAD @ VIRENDRA KUMAR SINGH NISHAD SON OF HARISHCHANDRA SINGH NISHAD
RESIDENT OF VILL- CHAK SIKANDAR, P.S.- TAJPUR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Khurshid Anwar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Tajpur P.S. Case No. 314 of 2021 registered for the offences punishable under Sections 30(a), 41(1) 41(2), 47 of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, total 3731.04 litre illicit liquor was recovered from truck, pickup van, magic van and motorcycle in question. It is further alleged that apprehended co-accused Akhilesh Kumar disclosed the name of petitioner and others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case due to dirty village politics. Petitioner is neither owner, nor driver nor cleaner of any of the seized vehicles. He further submits that except disclosure of co-accused Akhilesh Kumar, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Learned counsel further submits that having similar allegation, co-accused Bhim Yadav has already been granted anticipatory bail by a co-ordinate Bench of this court vide Cr. Misc. No. 44570 of 2022 and on the principle of parity, petitioner deserves the same treatment.

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

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, co-accused has already been granted anticipatory bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-2, Samastipur in connection with Tajpur P.S. Case No. 314 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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