

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44365 of 2024

Arising Out of PS. Case No.-919 Year-2023 Thana- DIGHA District- Patna

Nikesh Kumar, Son of Shiv Kishor Singh, R/o Village- Tegacchi, P.S.-
Chautham, Distt.- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Digha P.S. Case No. 919 of 2023 registered for the offences punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The police on a secret information, raided Sipahi Awash Puran Bhawan. In course of search, 43.095 liters of illicit liquor was recovered from the rooms of different persons. The name of the petitioner has been implicated in this case subsequently to the lodging of the FIR when he was identified in CCTV footage while carrying illicit wine.

4. Learned counsel for the petitioner contended that admittedly the petitioner is not named in the FIR. However, only



on the basis of CCTV footage, he has been made accused in this case without disclosing the fact as to whether the goods which was carrying by the petitioner was virtually illicit wine or not. It is also the contention of the petitioner that other co-accused person from whose room/house illicit wine has been recovered, has been granted privilege of anticipatory bail by the learned co-ordinate Bench of this Court (Annexure-2). It is further contended that nothing incriminating has been recovered from the whereabouts of the petitioner, moreover, the petitioner is Constable in Police Department, having fair antecedent and he undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the petitioner was identified in the CCTV footage while he was carrying illicit wine.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that there is no material suggesting that the goods which was carrying by the petitioner was, in fact, illicit wine, coupled with the fair antecedent, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court



below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II, Patna in connection with Digha P.S. Case No. 919 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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