

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46049 of 2024

Arising Out of PS. Case No.-157 Year-2024 Thana- DIDARGANJ District- Patna

1. Nitish Kumar @ Nitish Rai @ Nitish Kumar Rai Son of Lal Babu Rai @ Lal Babu Ray Resident of Didarganj, Ward No.- 72, P.S.- Didarganj. District - Patna Resident of Village -
2. Panchanand Rai @ Pancha Rai Son of Lalan Rai Resident of Didarganj, Ward No.- 72, P.S.- Didarganj. District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar
For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.1, namely, Nitish Kumar @ Nitish Rai @ Nitish Kumar Rai.

3. Permission is accorded.

4. Accordingly, instant petition is dismissed as withdrawn with respect to petitioner no.1, namely, Nitish Kumar @ Nitish Rai @ Nitish Kumar Rai.

5. The petitioner no.2 seeks bail in anticipation of his arrest in a case registered for the offences punishable under



Section 30(a) of the Excise Act.

6. The learned counsel for the petitioner submits that the petitioner has antecedent of one case and the allegation is of recovery of 500 litres of liquor from Didarganj Ward No.72.

7. 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 a place, which does not belong to the petitioner and is accessible to public at large and he came to be implicated based on secret information, which is the easiest way to implicate someone. It is next submitted that it appears that the police in order to save the real culprit falsely implicated the petitioner taking advantage of his antecedent.

8. Learned A.P.P. opposes the anticipatory bail application.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner no.2, 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. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge,



Patna City, Patna in connection with PTN 826 of 2024 arising out of Didarganj P. S. Case No.157 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

11. 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 more than one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

