

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46120 of 2024

Arising Out of PS. Case No.-79 Year-2024 Thana- Excise P.S. District- Nawada

NAGENDRA KUMAR SON OF MAHENDRA RAJVANSHI Resident of
Village- Benipur, P.S. Rupau, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manmohan Kumar, Advocate
For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Nawada Excise P.S. Case No. 79 of 2024 instituted under Sections 30(a) & 56(2)(ii) of the Bihar Prohibition & Excise Act, 2016 lodged on 02.02.2024 by the informant, Rupesh Kumar.

3. As per the prosecution story, the informant alleged that in course of checking, a motorcycle was intercepted and 10 liters of country made liquor recovered/seized. Akhilesh Kumar was arrested and he gave the name of the petitioner as the person who escaped. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he had given the motorcycle to Akhilesh Kumar and only because he confessed, the petitioner has been implicated. He do not have



criminal antecedent.

5. Learned APP opposes the prayer submitting that he is owner of the motorcycle.

7. Taking into account the aforesaid facts that nothing has been recovered from his conscious possession and according to him, he had given the motorcycle to Akhilesh Kumar, is a student preparing for competitive exam, putting him jail will not be good for him as also the society, 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 Nawada Excise P.S. Case No. 79 of 2024 to the satisfaction of learned Exclusive Special Court, Excise-2, Nawada, 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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