

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50748 of 2024

Arising Out of PS. Case No.-176 Year-2024 Thana- TARAIIYA District- Saran

NITESH KUMAR @ NITESH KUMAR MANJHI S/O JAGADISH
MANJHI R/O VILLAGE- PACHAUAR, P.S- TARAIIYA, DISTT.- SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2024 Heard Mr. Rajiv Ranjan Kumar Pandey, learned
counsel for the petitioner and the State.

2. The petitioner is apprehending arrest in connection with Taraiya P.S. Case No. 176 of 2024 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 03.05.2024 by the informant, Rakesh Kumar.

3. As per the FIR, upon confidential information that this petitioner is indulging in the sell of illicit liquor, the police reached the place where one person escaped after throwing the bag. There is recovery of 6 liters of country made liquor from the bag. The ‘Chowkidar’ gave the name of the petitioner. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession and



is a poor daily wager. The 'Chowkidar' has made allegation due to enmity.

5. Learned APP opposes the prayer submitting that the 'Chowkidar' has named him.

6. Taking into account the aforesaid submissions put forward by the parties as also that the petitioner do not have criminal antecedent and there is no recovery from his conscious possession, this Court is inclined to extend him the privilege of anticipatory bail.

7. 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 Taraiya P.S. Case No. 176 of 2024 to the satisfaction of learned Exclusive Special Excise Judge-3rd, Saran at Chapra 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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