

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54977 of 2024**

Arising Out of PS. Case No.-10 Year-2023 Thana- KUDHNI District- Kaimur (Bhabua)

Nitish Patel @ Nitish Kumar Patel Son of Paras Patel Resident of Ward No.3,  
Near Jugnu Talkies, Village - Kochas, P.S.-Kochas, Dist.-Rohtas (Sasaram),  
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Aquaib Khan, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      07-08-2024                      1. Heard learned counsel for the petitioner and learned  
A.P.P. for the State.
2. The petitioner apprehends his arrest in a case registered  
for the offence punishable under Section 30(a) of the Bihar  
Prohibition and Excise (Amendment) Act, 2018.
3. Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent.
4. Allegation is of recovery of 8.400 litres of liquor from  
a motorcycle.
5. Learned counsel for the petitioner submits that  
petitioner was not arrested from the spot, as such, nothing was  
recovered from his conscious possession and he came to be  
implicated based on the fact that the is owner of the seized vehicle. It  
is further submitted that no prudent person would use his own  
vehicle for committing an occurrence and thus would create evidence



against himself and hence would get implicated. It is next submitted that petitioner was completely unaware that his friend would misuse the vehicle in the manner as alleged.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kudhani P.S. Case No. 10 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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