

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60459 of 2024

Arising Out of PS. Case No.-147 Year-2020 Thana- PUNAURA District- Sitamarhi

Naval Kishore @ Naval Kishore Tiwari, son of Shital Tiwari, R/o Ukhra,
Buddh Nagar Devahi, PS -Nanpur, Dist -Sitamarhi, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mohammad Farooq, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Punaura P.S. Case No. 147 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016. He has got no criminal antecedent.

3. As per the prosecution story, on 22.10.2020 at 04:10 am, when the informant along with other police officials were on patrolling duty, they intercepted two vehicles, (1) Bolero vehicle bearing registration no. BR 30P 7148 and (2) Alto Car bearing registration no. BR 06CH 1576 and on seeing the police party, four persons present in the said vehicles started fleeing away but on chase, two persons got apprehended, namely, Krishan Kumar Sharma @ Kundan Kumar (driver of



Bolero vehicle) and Kaushal Kumar. These apprehended persons disclosed the name of one of the persons who fled away as Ranjit Sah but told that they did not know the name of other person. Altogether 215.880 litres of liquor was recovered from the said two vehicles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner was neither present in the vehicle nor was named as the person who fled away on seeing the police party.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that the petitioner has been implicated in this case only because he happened to be the registered owner of the vehicle in question, he was not present in the vehicle and was not apprehended by police where the vehicle was intercepted, further that his being as the one who fled away on seeing the police party was also not disclosed by the apprehended accused, the petitioner has otherwise no criminal antecedent as stated in paragraph '3' of the application, hence, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the



petitioner above named be released on bail in connection with Punaura P.S. Case No. 147 of 2020 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-I, Sitamarhi, Bihar, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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