

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64576 of 2024

Arising Out of PS. Case No.-44 Year-2024 Thana- TANKUPPA District- Gaya

Nitish Kumar, aged about 24 years, Male, Son of Ambika Yadav @ Ambika Prasad Yadav, R/V-Village- Asurain, P.S.- Tankuppa, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Vinod Kumar, Advocate
For the Opposite Party : Mr. Nagendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Tankuppa P.S. Case No. 44 of 2024 dated 31.03.2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 and Sections 467, 468, 471, 414 and 420 of the I.P.C.

3. As per the prosecution case, total 100 litres of illicit country made liquor was recovered from the Splender Motorcycle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner was not



apprehended on the spot and no incriminating article has been recovered from his possession. His name has come on the basis of the confessional statement of the apprehended co-accused person Kamlesh Kumar which has got no evidentiary value in the eye of law. The petitioner is neither the owner nor the driver of the motorcycle in question. There is no compliance of Section 100 of the Cr.P.C. It is further submitted that the other co-accused person Kamlesh Kumar has been granted regular bail by a Bench of this Court vide Cr. Misc. No. 33483 of 2024 under order dated 01.05.2024. The petitioner has one criminal antecedent as stated in paragraph no. 3 of the bail application.

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

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned I/C Exclusive Special Excise Judge, Court No.-II, Gaya, in connection with Tankuppa P.S. Case No. 44 of 2024, subject to the condition as laid down under Section 438(2) of



the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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