

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62215 of 2024

Arising Out of PS. Case No.-714 Year-2024 Thana- Excise P.S. District- Aurangabad

1. Nawab Kumar @ Nawab Paswan Son of Late Baijnath Paswan village- Pawai, P.S- Muffasil, District -Aurangabad
2. Chhotu Kumar @ Chhotu Paswan @ Prakash Kumar son of Upendra Paswan village- Sundarganj, Ps- Risiyap, dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 01-10-2024 At the outset, learned counsel for the petitioner seeks permission to withdraw the anticipatory bail application with regard to petitioner No. 1.

2. Permission is granted.

3. The anticipatory bail application with regard to petitioner No. 1 is, accordingly, dismissed as withdrawn.

4. Heard learned counsel for the petitioner and the State.

5. Petitioner No. 2 apprehends arrest in a case registered for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Act, 2018 and Sections 41(1), 41(2) of the Bihar Prohibition and Excise (Amendment) Act, 2016.

6. As per prosecution case, 306.54 litres country made



liquor has been recovered from Bolero vehicle.

7. Learned counsel for the petitioner submits that no incriminating material has been recovered from conscious possession of the petitioner and he has been made accused on the basis of confessional statement of co-accused Ranjan Kumar. Petitioner is neither driver nor owner of the vehicle in question. Petitioner has got one criminal antecedent of similar nature in which he is on bail.

8. Considering the nature of accusation, this anticipatory bail is allowed and it is ordered that let the above named petitioner No. 2 in the event of his arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Court No. 2, Aurangabad in connection with Excise P. S. Case No. 714 of 2024, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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