

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63374 of 2024

Arising Out of PS. Case No.-48 Year-2019 Thana- MUSRIGHRARI District- Samastipur

Navin Kumar @ Navin Kumar Singh Son of Ashok kumar Resident of
Village- Fatehpurwala, P.S.- Musarigharari, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate.
For the State : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-08-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner apprehends his arrest in connection with Musarigharari P.S. Case No. 48 of 2019, dated 24.06.2019 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the allegation, 5171.32 litres of illicit liquor was recovered from a truck bearing registration No. NL-01G-9809.

4. Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner was neither named in the First Information Report nor is any way connected with the



alleged offence. The name of the petitioner has transpired in the confessional statement of co-accused Pintu Kumar Singh and as, such, there is no legal basis for implication of the petitioner in the present case and there is no legal reason to curtail his liberty and, hence, the petitioner is entitled to get anticipatory bail. Learned counsel further submits that the similarly situated co-accused Vinay Kumar Singh has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 16.11.2019 passed in Cr. Misc. 48901 of 2019.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in three other cases.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, no *prima facie* case is made out under the Excise Act and the present petition for anticipatory bail is maintainable.

9. The petition is allowed, directing the petitioner, above named, to be enlarged on bail in the event of his arrest or



surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Judge, Excise Court-1, Samastipur, in connection with Musarigharari P.S. Case No. 48 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has given wrong statement regarding his criminal antecedent, Ld. Court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. Court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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