

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66219 of 2024

Arising Out of PS. Case No.-88 Year-2019 Thana- GURUA District- Gaya

Nirbhay Kumar, Son of Munna Yadav @ Muna Yadav, Resident Of Village-
Mungrain Tola, Kasiyadih, P.S.- Amas, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. M.K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-10-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Gurua P.S. Case No. 88 of 2019, registered for the offences
punishable under Section 414 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

3. In course of patrolling the police found a black
colour tempo without number plate was standing nearby a road.
In course of search, total 250 liters of country made Mahua
liquor was found.

4. Learned Advocate appearing on behalf of the
petitioner contended that the FIR has been instituted against
unknown, however during the course of investigation one of the



witness has disclosed the name of the petitioner engaged in the trade of illicit wine. Save and except the disclosure made by a witness, there is no other materials suggesting the complicity of the petitioner in crime. The petitioner has neither any concern with the tempo in question, nor with the illicit wine. Taking note of the aforesaid fact one of the co-accused person having identical allegation has been granted anticipatory bail by learned co-ordinate Bench of this Court vide order dated 18.05.2023, in Criminal Misc. No. 74756 of 2022. The petitioner bears fair antecedent.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the present case is of 2019 and the petitioner has approached this Court after a delay of five years.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the FIR has been instituted against unknown miscreants and the name of the petitioner transpired on the statement of a witness, save and except the aforesaid fact there is no other material coupled with the fact that co-accused person having identical allegation has been allowed the privilege of anticipatory bail, as also the fair



antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. V, Gaya in connection with Gurua P.S. Case No. 88 of 2019, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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