

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68599 of 2024

Arising Out of PS. Case No.-225 Year-2024 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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1. Nitish Kumar Nirala @ Nitish Kumar @ Nirala Son of Ram Sundar Ray
Resident of village- Hakimabad, Police station- Mufassil, District-
Samastipur
 2. Raushan Kumar Son of Shiv Shankar Ray Resident of village- Hakimabad,
Police station- Mufassil, District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 03-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. At the first instance, learned counsel for the
petitioners submits that he would not be pressing the present
anticipatory bail application as against the petitioner no.1 who is
carrying four criminal antecedents of similar nature of offences.

3. In view of the above, the present anticipatory bail
application, as against the petitioner no.1, above named, is
dismissed, as not pressed.

4. The petitioner no.2 apprehends his arrest in
connection with Mufassil P.S. Case No. 225 of 2024 registered



for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

5. As per prosecution case, the police has recovered total 396.00 liter illicit foreign liquor from the Bolero vehicle bearing Regd. No. BR9E-2421.

6. Learned counsel for the petitioner no.2 submits that the petitioner no.2 is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner no.2. The petitioner no.2 was identified by the local Chaukidar. The alleged Bolero vehicle does not belong to the petitioner no.2. The petitioner no.2 has also no concern with the seized liquor. The petitioner no.2 has one criminal antecedent relating to the Excise Act as has been stated in paragraph no.3 of the present anticipatory bail application. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case.

7. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no.2.

8. Considering the entire facts and circumstances of the case and taking into account the submissions made by the



learned counsel for the petitioner no.2, let the petitioner no.2 above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Mufassil P.S. Case No. 225 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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