

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73802 of 2024

Arising Out of PS. Case No.-260 Year-2022 Thana- MADHAURAH District- Saran

Akhilesh Nut, aged about 19 years, Male, S/o Amardeep Nut, R/o Pakha Nut Toli (Asoiyan), P.S. - Marhowrah, Distt. - Saran at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjit Kumar Thakur, Advocate
For the Opposite Party : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Marhowrah P.S. Case No. 260 of 2022 dated 01.05.2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, total 40 litres of illicit liquor was recovered. Out of which, 05 litres of illicit liquor was recovered from the house of the petitioner but as per the seizure list, 20 litres of illicit liquor was recovered from the village- Pakaha Nartoli and rest 20 litres of illicit liquor was recovered from another places.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The petitioner belongs to a *Nut Caste* and he has no permanent resident rather he and his other community lives in an open place in the forest area and they used to change their living place day to day, hence, the place of recovery does not belong to the petitioner. He has no concern with the alleged offence. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner was not apprehended at the place of occurrence. The petitioner has two criminal antecedents and in one case he is on bail 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 2nd Exclusive Special Excise Judge, Saran at Chapra, in connection with Marhowrah P.S. Case No. 260 of 2022,



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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