

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69628 of 2024

Arising Out of PS. Case No.-847 Year-2023 Thana- Excise P.S. District- East Champaran

Nandeshwar Das, aged about 31 years, S/O Ramdev Das, R/O Vill- Sishani,
P.S.- Pakaridayal, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Balgovind Sharma, Advocate

For the Opposite Party : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 847 of 2023 dated 31.03.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, total 252 litres of illicit foreign liquor was recovered from the straw house behind the house of the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner has no



concern with the alleged offence. It is further submitted that the place from where the alleged recovery of liquor was made does not belong to the petitioner. He was not present at the place of occurrence. There is no compliance of Section 100 of the Cr.P.C. No incriminating article has been recovered from the possession of the petitioner. It is further submitted that the other co-accused person Jitendra Singh @ Raja Singh has already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 19017 of 2024 under order dated 22.03.2024, annexed as Annexure-2 to the present bail application. The petitioner has clean antecedent 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 within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 2, East Champaran, Motihari in connection with Excise P.S. Cse No. 847 of 2023, subject to the condition as laid



down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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