

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77605 of 2023

Arising Out of PS. Case No.-205 Year-2018 Thana- SURYAGARHA District- Lakhisarai

Niraj Kumar @ Niraj Singh @ Niro Singh, S/O Jay Prakash Singh R/O
Village- Sarlahi, P.S- Shamho, Distt.- Begusarai.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav

For the Opposite Party/s : Mr.Rabindra Kumar- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-03-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 272, 273 and 120B of the I.P.C. and Sections 30(a),
32(2), 38(1) and 41(1) of the Excise Act.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of four cases, but then, he was
never implicated in a case relating to excise. It is further
submitted that he has been falsely implicated in the instant case
by the informant with an allegation that a truck was seized from
which 1543.980 litres of liquor was recovered.

4. The learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and his name
transpired in the confessional statement of co-accused in police



custody, which does not have any evidentiary value.

5. At this stage, the learned counsel for the petitioner fairly submits that he has filed a supplementary affidavit wherein it has been specifically pleaded that petitioner had moved this Court earlier by filing Cr. Misc. No.32078 of 2019 seeking anticipatory bail, but the same was rejected by a learned Coordinate Bench by an order dated 25.07.2019.

6. Learned A.P.P. submits that this is the second anticipatory bail application of the petitioner.

7. At this stage, the learned counsel for the petitioner seeks permission to withdraw the present anticipatory bail application with liberty to surrender before the learned trial Court.

8. Permission is accorded.

9. Accordingly, instant petition is dismissed as withdrawn with the liberty aforesaid.

10. In the event, if the petitioner surrenders on or before 08.04.2024, the learned trial Court shall try to dispose of the case on the same day.

(Satyavrat Verma, J)

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