

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74424 of 2023

Arising Out of PS. Case No.-166 Year-2023 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

=====

Niranjan Kumar, (Male), aged about 28 years, son of Kameshwar Prasad, R/O
Village +P.O.- Barhari, P.S.- Chhabilapur, Dist- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Kundan Kumar Ojha, Advocate
For the Opposite Party : Mrs. Sharda Kumari, A.P.P.

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 25-01-2024 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any,

within a period of three weeks from today.

2. Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Sheikhopur Sarai P.S. Case No. 166 of

2023 dated 01.09.2023 registered for the offences

punishable under Sections 30(a), 32(2) and 41(1) of the

Bihar Prohibition and Excise (Amendment) Act, 2018.

4. As per the prosecution case, total 103.5 litres of

country made liquor was recovered from the car of the



petitioner.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has been made accused in the present case as he is the owner of the car in question. It is further submitted that the petitioner has given his car to one of his friends who has come from Delhi for taking his wife from her Naihar and he had hired a daily wage driver. The petitioner had no knowledge regarding liquor kept in the said car. It is further submitted that the petitioner is a meritorious student and has qualified in Indian Railway CEN RRC 01/2019 Examination, and as such, he is about to join the said service. There is no compliance of Section 100 of Cr.P.C. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. No case is made out against the petitioner.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. 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 court concerned, Sheikhpura, in connection with Shekhopur Sarai P.S. Case No. 166 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

