

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79495 of 2024

Arising Out of PS. Case No.-244 Year-2024 Thana- PARSA District- Saran

Nitish Kumar @ Nitesh Kumar Son of Dinesh Tiwari R/O Vill.- Parsa
Shankardih, P.S.- Parsa, Dist.- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Alok Kumar, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 28-11-2024 Heard learned counsel for the petitioner and Mr.

Humayou Ahmad Khan, learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Parsa P.S. Case no. 244 of 2024 instituted for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The case of the prosecution is that from a scooty, altogether 40 liters of country made liquor was recovered. Nobody was apprehended. The petitioner is the owner of the scooty.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It has been argued by the learned counsel for the petitioner



that he has given the scooty to neighbour on an emergency call. It has been argued that nothing has been recovered from the possession of the petitioner. A statement has been made in para- 3 of this petition that the petitioner has got no criminal antecedent.

5. In contra, learned APP appearing for the State has opposed the prayer of bail of the petitioner.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Parsa P.S. Case No. 244 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/-(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Exclusive Special Excise Judge, Saran, Chapra subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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