

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76782 of 2024

Arising Out of PS. Case No.-181 Year-2024 Thana- NAYAGAON District- Saran

Nitish Kumar @ Nitesh Kumar S/O Munna Paswan R/O Village-
Kasturichak, P.S- Nayagaon, District- Saran At Chapra (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-11-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable u/s 30(a) of Bihar Prohibition and
Excise Amended Act.

3. Altogether 80 liters of country made liquor is said to
have been recovered from plastic sacks and petitioner along
with other co-accused person fled away from the spot.

4. It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and has committed no offence.
He has been falsely implicated in this case. No incriminating
article has been recovered from the conscious physical
possession of the petitioner. He has no concern either with the
seized liquor or any trade of liquor. He was not apprehended on



the spot and his name transpired on the basis of statement made by the local villagers. It is further submitted that petitioner was identified in night hour where there is no source of light. Recovery was made from Bamboo orchard which does not belong to the petitioner. Petitioner has no criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with Nayagaon P.S. Case No.181 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, 2023 with the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to



how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the account of Mahavir Cancer Sansthan.

8. However, learned court below is directed to verify the criminal antecedent of the petitioner before accepting his bail bond and if it is found that petitioner has any criminal antecedent other than the present one, his bail bond shall not be accepted.

(Anjani Kumar Sharan, J)

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