

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84446 of 2024

Arising Out of PS. Case No.-152 Year-2024 Thana- PARIHAR District- Sitamarhi

Nitesh Kumar @ Nitish Kumar Son of Surendra Bhagat @ Siyaram Bhagat
Resident of Village - Ratanpura, P.S. - Bajpatti, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Jha, Advocate
Ms. Asfan Iman, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-12-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with Parihar
P.S. Case No. 152 of 2024, dated 11.05.2024, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2022.

3. As per the allegation, 270 litre of country made
liquor has been recovered from Mahindra Scorpio Turbo and
two persons were arrested.

4. Ld. counsel for the petitioner submits that the
Petitioner is innocent and has falsely been implicated in this
case. He further submits that the petitioner was not present at



the alleged place. He was neither driver, nor owner of the vehicle. The petitioner's name has transpired only in the confessional statement of co-accused, which has no evidentiary value.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in two other cases in which he is on bail.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Judge-I, Sitamarhi, in connection with Parihar P.S. Case No. 152 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on



the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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