IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84328 of 2024

Arising Out of PS. Case No.-386 Year-2024 Thana- SIRDALA District- Nawada

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Nakul Kumar @ Nikesh Kumar Son of Rambalak Prasad village- Nawabganj, Ps- Sirdala, Dist- Nawada

... ... Petitioner/s

Versus

The State of Bihar bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Bijendra Kumar
For the Opposite Party/s : Mr.Indu Kumari Srivastava

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 18-12-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Sirdala P.S. Case No. 386 of 2024 registered under Section 30(a) & 41 of the Bihar Prohibition and Excise (Amendment) Act 2022.

3. As per the prosecution story 80 liters of country made mahua wine has been recovered from Honda Shine motorcycle bearing registration no. BR-27L8822 and 85 liters of country made mahua liquor has been recovered from another Honda Shine motorcycle bearing registration no. BR-27R4317 and the Police party succeeded in apprehending two persons while other two accused persons managed to escape.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. He submits that one of the seized motorcycles

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bearing registration no. BR27R4317 though has been alleged to be belonging to the petitioner but the fact of the matter is that it does not belong to the petitioner and the petitioner was not driving any motorcycle at the time of occurrence. The petitioner has clean antecedent.

5. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that illicit liquor has not been recovered from the conscious possession and / or vehicle belonging to the petitioner and the petitioner is having clean antecedent, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Judge I, Nawada / concerned court in connection with Sirdala P.S. Case No. 386 of 2024 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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