

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1089 of 2025

Arising Out of PS. Case No.-789 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

=====

Nitesh Kumar @ Nitish Sahani S/o Anil Sahani @ Anil Sahni Resident of
Mohalla- Belbanwa Motihari, P.S.- Motihari Town, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Town PS Case No. 789 of 2023 registered for the offences
punishable under Sections 30(a), 32, & 41(1) of the Bihar
Prohibition and Excise Act and Sections 25(1-B)a, 26 & 35 of
the Arms Act.

3. As per prosecution case, the police has recovered
360 ML English liquor along with 10 live cartridges of 7.65 KF
from the Scorpio vehicle of the co-accused.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. Petitioner was not named in the FIR and his name transpired on the basis of confessional statement of co-accused, namely, Priyanshu Yadav, who has been granted regular bail by this Court vide order dated 22-02-2024, passed in Cr. Misc. No. 11111 of 2024. Petitioner is neither the owner nor the driver of the vehicle in question. Petitioner has no knowledge and concern with the alleged recovery of liquor. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner bears no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the rival submissions made by the learned counsel for the parties, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the



case is pending/successor court in connection with Town PS
Case No. 789 of 2023, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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

