

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11969 of 2025

Arising Out of PS. Case No.-784 Year-2024 Thana- Excise P.S. District- Siwan

Nitesh Kumar Son of Sudama Resident of Village- Rampur Buzurg, Ps
-Deoria, Dist- Deoria UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Shahi

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 13-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) and 32(3) of the Bihar Prohibition and Excise Act, 2016

3. A perusal of the First Information Report and the seizure list would show that a recovery of total of 761.7 liters of foreign liquor was made from a Scorpio vehicle while the persons sitting in the vehicle managed to escape.

4. Learned counsel for the petitioner submits that the name of the petitioner has surfaced in this case as he happens to be the owner of the seized Scorpio vehicle. The vehicle had been taken by the driver which normally used to ply for rent and the same was put to some illegal use which were not within the



knowledge of the petitioner. There is no independent witness to the seizure list and the co-accused persons against whom the allegations was that they were present, who fled away after leaving the vehicle on the spot. They have already been granted the privilege of anticipatory bail *vide* order dated 20.03.2025 in Cr. Misc. No.6803 of 2025.

5. Learned APP for the State opposes the prayer for anticipatory bail application on the ground that the petitioner has one criminal antecedent of the year 2017, in response to which the learned counsel for the petitioner submits that he is on bail in the said case.

6. Considering the above facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-II, Siwan, in connection with Siwan Excise P.S. Case No.784 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and and subject to the further condition that:-

(i) the petitioner shall co-operate in the



investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

7. The petitioner is directed to pay an amount of Rs.5000/- in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code : PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

(Soni Shrivastava, J)

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