

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55592 of 2024

Arising Out of PS. Case No.-144 Year-2024 Thana- Excise P.S. District- Patna

Nitishwar Prasad Narain Shahi @ Rajiv Shahi Son Of N.P.N. Shahi Mohalla
-Kala Manch Bakarganj Bari Path, Arya Kumar Road, P.S.- Kadamkuan,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yogesh Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

4 28-03-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The instant application for anticipatory bail has

been filed by the petitioner apprehending his arrest in a case

instituted for the offence punishable under Sections 30(a),

56(b) of Bihar Prohibition & Excise Act.

3. Prosecution case relates to recovery of 191.64

litres of Foreign Liquor from the house of petitioner.

4. Learned counsel appearing on behalf of the

petitioner has submitted that petitioner is innocent and has

committed no offence. He has no concern with the alleged



recovery. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. It is further submitted that both the co-accused persons, from whose possession the recovery of illicit liquor has been made, were tenant in the house of petitioner and petitioner has no concern with the illicit recovery. Petitioner does not resides at the alleged house rather he resides at another house. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer of bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Excise (Patna) P.S. Case no. 144 of 2024, he will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special



Judge, Excise III, Patna, subject to the conditions as laid down under section 438(2) of the Cr.P.C., with following conditions:-

- (i) One of the bailors should be close relative of the petitioner.
- (ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.
- (iii) if the petitioner tampers with the evidence or threatens the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.
- (iv) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail bonds may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

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