

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87322 of 2024

Arising Out of PS. Case No.-436 Year-2022 Thana- MAJORGANJ District- Sitamarhi

Nirmal Kumar Son of Shankar Mahto Resident of Village - Kothia Rai, P.S. -
Suppi, Dist. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Madan Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 20-01-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Majorganj Police Station Case No. 436 of 2022, dated 18.12.2022, disclosing offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report lodged by the S.S.B. Officials, is that on 17.12.2022, at about 10:10 PM, the informant saw five persons coming from Nepal, having bags on their heads, on seeing them, they tried to flee away after throwing the bags, but one person was apprehended by them, who disclosed the name of other co-accused persons, including the petitioner, who fled away. The S.S.B. officials recovered



216 litres of illicit liquor.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case on the disclosure of his name by the arrested co-accused person, with whom the petitioner has inimical terms. He further submits that the petitioner has got no criminal antecedent of similar nature of offence.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that the petitioner has got no criminal antecedent of similar nature of offence and he has been made accused in the present case on the basis of disclosure of his name by the arrested co-accused person, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. 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 Court No. I, Sitamarhi, in connection with Majorganj Police Station Case No. 436 of 2022, subject to the



condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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