

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1235 of 2025

Arising Out of PS. Case No.-397 Year-2023 Thana- Excise P.S. District- Begusarai

Nitish Kumar, aged about 24 years, Gender-Male, Son of Sunil Sah, Resident of Village- Tilrath Batauli, Ward No. 15, P.S.- Barauni, District- Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjit Kumar Thakur, Advocate
For the Opposite Party : Mr. Rana Randhir Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. Earlier the petitioner was granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 77074 of 2023 under order dated 19.12.2023. Thereafter, the petitioner had filed Cr. Misc. No. 23529 of 2024 for modification of the order dated 19.12.2023 for not mentioning the criminal antecedent in paragraph no. 3 of the bail application i.e., Cr. Misc. No. 77074 of 2023 whereas as per the impugned order, the petitioner is accused in four other criminal cases. The said modification application i.e., Cr. Misc. No. 23529 of 2024 was heard and rejected on 12.07.2024 with a direction to the petitioner to surrender in the learned court below within a period of six



weeks from the date of the order dated 12.07.2024.

3. The petitioner seeks bail in connection with Excise P.S. Case No. 397 of 2023 dated 08.09.2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

4. As per the prosecution case, total 144 litres of illicit liquor was recovered from the *Bathan* of the petitioner.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that no incriminating article has been recovered either from the conscious or constructive possession of the petitioner. He has no concern with the alleged offence. His name has come in the present case on the basis of disclosure made by the local people. There is statutory compliance of Section 100(4) of the Cr. P.C. He was not present at the time of occurrence. The petitioner has seven (07) criminal antecedents and in six cases, he is on bail as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 17.12.2024.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, the petitioner, above named, is directed to be



enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Begusarai in connection with Excise P.S. Case No. 397 of 2023 with further condition:-

(I) The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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