

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6683 of 2025

Arising Out of PS. Case No.-296 Year-2023 Thana- KASIMBAZAR District- Munger

NITISH KUMAR S/O RAMVILAS MANDAL @ RAM VILAS RAY
RESIDENT OF VILLAGE- CHAUABAG, P.S.- KASIM BAZAR,
DISTRICT- MUNGER

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Sah, Advocate

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 06-05-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Kasim Bazar P.S. Case no.296 of 2023 registered under
section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution case, on seeing the police
party, the accused tried to make an escape, however, one of the
accused was apprehended at the spot. On search, 15 liters of
country made liquor was recovered from beside a well situated
near a High School near the house of one Doman Sharma.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case. The cause of
his false implication is his antecedents and the name of the



petitioner has transpired only on the confessional statement of accused Srilal Mahto who was apprehended at the spot. There was no independent witness to the seizure list and no recovery has been made from the physical or conscious possession of the petitioner. The alleged place is an open space which is accessible to everyone. He undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State on the ground that the petitioner has three criminal antecedents of same nature. In response, learned counsel for the petitioner submits that he is on bail in the said cases.

6. In view of the facts of the case that the illicit recovery was made from an open space which is accessible to everyone, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Kasim Bazar P.S. Case no.296 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-I, Munger, 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
subject to the further condition that:-

(I) He shall co-operate in the investigation/trial and
would make himself available before the Investigating Officer
of the present case on an interval of every 15 days till the
submission of the charge-sheet.

(II) The learned Court below 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.

(Soni Shrivastava, J)

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