

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13978 of 2025

Arising Out of PS. Case No.-361 Year-2024 Thana- RAGHOPUR District- Vaishali

Nitish Kumar, Son of Tetar Rai @ Chanarket Rai, Resident of Village-
Jafrabad Tonk, at present Village- Sukumarpur, P.S.-Rustampur, District-
Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms. Pooja Arya, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-04-2025 Heard Ms. Pooja Arya, learned counsel appearing on

behalf of the petitioner and Mr. Navin Kumar Pandey, learned

Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in the F.I.R.

and apprehended his arrest in connection with Raghapur P.S.

Case No. 361 of 2024 registered for the offences punishable

under Sections 274 and 275 of the Bhartiya Nyaya Sanhita (in

short ‘BNS’) and Section 30 (a) of the Bihar Prohibition and

Excise (Amendment) Act, 2022.

3. The allegation against the petitioner is to be

engaged in illegal trading/manufacturing of illicit liquor, where

there is recovery of 40 litres of IMFL/country made liquor from

the petitioner.



4. Learned counsel appearing on behalf of the petitioner submitted that alleged manufacturing activity was said to be operational on the bank of River the Ganga, which is an open place and easily accessible by general public. It is submitted that petitioner was not apprehended on spot, rather his name transpired with the present case on instance of local chowkidar, on the basis of hearsay input/suspicion. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State opposes the prayer for anticipatory bail.

6. In view of aforesaid facts and circumstances and by taking note of the fact, as certain items related with manufacturing of illicit liquor *prima-facie* appears to be recovered from the bank of River the Ganga, which is an open place and easily accessible by general public, where name of petitioner transpired on the basis of suspicion raised by local chowkidar, accordingly, the petitioner, above named, in the event of his arrest or surrender before the learned Trial Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge-II, Vaishali at Hajipur/concerned Trial Court, where the case is pending in connection with Raghopur P.S. Case No. 361 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./Section 482(2) B.N.S.S. and with further conditions:-

- (i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.
- (ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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