

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15567 of 2025

Arising Out of PS. Case No.-122 Year-2024 Thana- KANHAULI District- Sitamarhi

Nitish Kumar @ Nitish Das, S/O Indal Das, Resident of Village- Ward No.
10, Ramnagara, Rasulpur, P.S- Sonbarsa, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate

For the Opposite Party/s : Ms.Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 21-04-2025 Heard Mr. Ayush Kumar, learned counsel for the

petitioner and Ms.Indu Kumari Srivastava, learned APP for the

State.

2.The instant application for anticipatory bail has been
filed by the petitioner apprehending his arrest in connection
with Kanhauli P.S. Case No.122 of 2024 instituted for the
offence under Section 317(5) of BNS, 2023 and Section 30(a) of
the Bihar Prohibition and Excise Amendment Act.

3. The case of the prosecution is that altogether 216
liters of Nepali country made liquor was recovered from a four
wheeler. There were three persons on the four wheeler. They
started fleeing away seeing the police. Two persons were
apprehended. They were identified as Devendra Ray and Sunil



Kumar. They have disclosed the name of this petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Nothing has been recovered from his possession. He is having no knowledge regarding the alleged recovery. Regarding the antecedent, the learned counsel for the petitioner has submitted that out of five case, three are of Excise Act and he is implicated in variably Kkanhauuli P.S. Case as there is altercation between police personnel and the villagers because of illegal demand of gratification by the police personnel on regular basis which was resisted by the petitioner as well.

5.Learned APP appearing for the State has opposed the prayer of bail of the petitioner.

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 Kanhauuli P.S. Case No. 122 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 Exclusive Special Excise Court-I,
Sitamarhi, subject to the conditions as laid down under section
438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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