

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26420 of 2025

Arising Out of PS. Case No.-152 Year-2024 Thana- KANHAULI District- Sitamarhi

Nitish Kumar @ Nitish Das, S/o- Indal Das, aged about 24 years, Male,
Resident of village- Ward No. 10, Ramnagara Rasulpur, P.S.-Sonbarsa,
District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ayush Kumar, Advocate

For the Opposite Party : Mr. Nand Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kanhauli P.S. Case No. 152 of 2024 dated 12.11.2024 registered for the offences punishable under Section 317(5) of the B.N.S., 2023 and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, 609.300 litres of illicit Nepali country made Gaurav liquor was recovered from the Scorpio and E-Rickshaw vehicles.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner is neither the



owner nor the driver of the Scorpio and E-Rickshaw vehicles. The petitioner was not arrested on the spot. The name of the petitioner has surfaced in the present case on the basis of the confessional statement of the apprehended co-accused persons Munna Kumar and Govind Kumar which has got no evidentiary value in the eyes of law. The petitioner has also no connection with the apprehended co-accused persons and with the seized illegal liquor. There is no statutory compliance of Section 103 of the B.N.S., 2023. No incriminating article has been recovered from the possession of the petitioner. It is further submitted that other co-accused person, Munna Kumar, has already been granted regular bail by a Bench of this Court in Cr. Misc. No. 89064 of 2024 vide order dated 17.02.2025. The petitioner has six criminal antecedents and in five cases, he is on bail as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like



amount each to the satisfaction of learned Exclusive Special
Excise Court-I, Sitamarhi in connection with Kanhauli P.S. Case
No. 152 of 2024, subject to the condition as laid down under
Section 482(2) of the B.N.S., 2023.

(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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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