

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24189 of 2025

Arising Out of PS. Case No.-16 Year-2025 Thana- Kumarbagh District- West Champaran

Nihal Kumar @ Nihal Kumar Singh @ Nehal Kumar Singh @ Nihar Kumar
Son of Sri Omprakash Singh Resident of Village- Rampurwa, P.S.-
Kumarbagh, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharad Kumar Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection
with Kumarbagh P.S. Case No. 16 of 2025 registered for the
offence punishable under Section 40 of the Bihar Prohibition
and Excise Act, 2016.

3. The police based upon a viral video, instituted the
FIR, alleging therein that two persons who were riding on a
Splendor Plus motorcycle were carrying illicit wine kept in a
bag. The local Chowkidar and the spy disclosed the name of the
petitioner and one Nihal Kumar, who is said to be a pillion
rider.

4. Learned Advocate for the petitioner contended that



the entire case is based on the viral video, which has been circulated on WhatsApp. It has not been disclosed as to when the video was prepared or whether it is edited one. The petitioner is a boy aged about 19 years having fair antecedent and save and except viral video leading to institution of the FIR, there is no other material. It is lastly contended that the petitioner undertakes that he will fully cooperate in the investigation and the proceedings of the Court. Moreover, the materials available on record do not attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act, 2016').

5. On the other hand, learned Advocate for the State opposed the bail application and submitted that the petitioner was identified by the local villagers.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based on viral video, the authenticity of which has not been examined till date, coupled with the fact that the petitioner is a boy of tender age having fair antecedent and the materials available on record is not sufficient enough which attracts the provision under Section 76(2) of the Act, 2016, let the above named petitioner, be released on bail, in the event of his arrest or



surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-1, West Champaran at Bettiah in connection with Kumarbagh P.S. Case No. 16 of 2025, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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