

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.27643 of 2025**

Arising Out of PS. Case No.-73 Year-2025 Thana- NARDIGANJ District- Nawada

Nitish Kumar @ Nitish Yadav S/o Suresh Yadav R/o Vill- Dariyapur, P.S.-  
Nardiganj, Distt- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA**  
**ORAL ORDER**

2      07-05-2025                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

2. Petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) and 30(d) of Bihar Prohibition and Excise Act.

3. The prosecution story in brief is that on 21.02.2025, the informant-police received information regarding the petitioner manufacturing liquor near Govt. Pain of Dariyapur village. On reaching, the accused persons fled away but locals identified as the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in the present case, it is next submitted that petitioner has no



criminal antecedent, it is further submitted that the petitioner has been implicated based on the statement of Chowkidar which has no evidentiary value, it is further submitted that petitioner is not the owner of the place of occurrence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the fact that the petitioner has no criminal antecedent and also nothing has been recovered from the conscious possession of the petitioner and further that the search and seizure memo is not witnessed by independent witnesses which puts a serious question mark on the legality and validity of the seizure itself.

7. Accordingly, the petitioner in the event of his arrest or surrender within four weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-II, Nawada in connection with Nardinganj P.S. Case No. 73 of 2025, subject to the conditions laid down under section



482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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