

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28749 of 2025

Arising Out of PS. Case No.-94 Year-2025 Thana- GORAU District- Vaishali

Nitesh Kumar @ Natiya @ Ankit Raj S/O Rambabu Rai R/O village-
Salempur Dumriya, PS- Goraul, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Adv.

For the Opposite Party/s : Mr. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARVIND SINGH CHANDEL
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner as well as
counsel for the respondent-State.

2. This is the first anticipatory bail application preferred by the petitioner to apprehend his arrest in connection with Goraul P.S. Case No. 94 of 2025 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. According to the case of prosecution, on 04.03.2025 at about 01:00 P.M., on the basis of secret information received by the informant police officials reached the spot, on being searched total 792 litres of illegal foreign liquor was recovered from the abandoned house and gachi. It is alleged that the liquor was kept there by the present applicant and other co-accused person.



4. Learned counsel for the petitioner submits that the petitioner is innocent and is falsely implicated in this case. There is no evidence available on record which implicate the petitioner for the present offence, the liquor was seized from the abandoned house and gachi which does not belong to the petitioner herein. There is also no record that the liquor was kept there by the petitioner, therefore the offence under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2022 can not be made out against the petitioner. He prays that on these grounds, he may be granted benefit of anticipatory bail.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Considering the submissions put forth by both the counsels and particularly considering the fact that the liquor was not seized from the possession of the applicant herein, without commenting other merits of the case, I am of the view that the petitioner should be granted the benefit of anticipatory bail. Accordingly, the petition is allowed. The petitioner is directed to be released on bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned



Exclusive Special Excise Court no. -1 cum District & Additional Sessions Judge, Vaishali at Hajipur in connection with Goraul P.S. Case No. 94 of 2025 subjects to the conditions as laid down under Section 482 of the Bharatiya Nagarik Suraksha Sanhita.

(Arvind Singh Chandel , J)

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