

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31107 of 2025

Arising Out of PS. Case No.-95 Year-2025 Thana- SAHEBPUR KAMAL District- Begusarai

Nitish Kumar, S/O Lalit Yadav, R/O Village- Gyan Tol, Ward No. 12, P.S-
Sahebpur Kamal, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-05-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Sahebpur Kamal P.S. Case No. 95 of 2025, registered for
the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2022 (Amended).

3. In course of patrolling, the police on a secret
information apprehended two persons who were coming on a
motorcycle. In course of search, 750ml of Indian made foreign
liquor was recovered from the pocket of co-accused Aman
Kumar. The apprehended person disclosed that he has obtained
this liquor from the petitioner.

4. Learned Advocate appearing on behalf of the



petitioner contended that save and except the confessional statement of the apprehended co-accused, that too before the police, there is no material suggesting the complicity of the petitioner in crime. The petitioner has neither any concern with the co-accused persons, nor with the illicit wine. He is only aged about nineteen years, having fair antecedent; that apart, there are various other infirmities in the search and seizure, coupled with non-compliance with the provisions of Sections 103 and 105 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record, specially the tender age of the petitioner and his fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.5,000/- (five thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-II, Begusarai in connection with Sahebpur Kamal P.S. Case No. 95 of 2025, subject to the conditions laid down in Section 482(2) of



the Bharatiya Nagrik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

supratim/-

U		T	
---	--	---	--

