

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32311 of 2025**

Arising Out of PS. Case No.-78 Year-2025 Thana- NAUTAN District- Siwan

Nitish Yadav @ Nitesh Kumar @ Nitesh Yadav S/O Ramapati Yadav Resident  
Of Village- Sikuara, P.S.- Nautan, District- Siwan.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arbind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      21-05-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Nautan P.S. Case No. 78 of 2025 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about petitioner bringing liquor on one Bajaj Platina motorcycle. Checking of vehicles was started and a person was found coming on a motorcycle carrying a sack on the back seat. This person tried to flee away on seeing the police party but the motorcycle fell down and the person escaped from there. From the sack left behind by the petitioner, recovery of 72 litres of country made liquor was made.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the allegedly recovered illicit liquor and the motorcycle does not belong to this petitioner. Petitioner was named in this case merely on suspicion and nothing incriminating has been recovered from the person or possession of this petitioner. There is no independent witness to the search and seizure. Petitioner is having antecedent of one case.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the possession of the petitioner and also considering the probability of false implication, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Siwan/ court concerned in connection with Nautan P.S. Case No. 78 of 2025, subject to the



condition laid down under section 482(2) of the B.N.S.S. and  
other following conditions:

- (i) One of the bailors will be a close relative  
of the petitioner.
- (ii) The petitioner will remain present on  
each and every date fixed by the court below,  
if so required by the learned trial court.

**(Arun Kumar Jha, J)**

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