

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35427 of 2025

Arising Out of PS. Case No.-216 Year-2024 Thana- Excise P.S. District- Supaul

Nitish Kumar S/o Sri Lalan Prasad Resident of vilage- New Purandarpur, near
at Bal Niketan High School, P.S.- Jakkanpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 20-06-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner apprehends arrest in connection with
Excise Supaul P.S. Case No. 216 of 2024, registered under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 217.400
liters Wiscoff cough syrup was recovered from a car.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. Learned counsel
for the petitioner also submits that the petitioner was not present
at the place of occurrence. Name of the petitioner has transpired
in this case as being owner of the car in question but the



petitioner has sold the same to one Vivek Kumar. The petitioner has got one criminal antecedent in which he is on anticipatory bail. Learned counsel for the petitioner further submits that similarly situated co-accused has been granted regular bail by this Court vide order dated 04.04.2025 passed in Cr. Misc. No. 83065 of 2024. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Excise Supaul P.S. Case No. 216 of 2024 subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Rudra Prakash Mishra, J)

Rajorshi/-

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