

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33647 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- MADHWAPUR District- Madhubani

Nitish Kumar @ Nitesh Kumar Son of Rambabu Baitha Resident of Village -
Pupri, Police Station - Naanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 34336 of 2025

Arising Out of PS. Case No.-21 Year-2025 Thana- MADHWAPUR District- Madhubani

Prabhash Kumar S/O Pramod Rai @ Pramod Kumar R/o Vill.- Gaura, P.S.-
Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 33647 of 2025)
For the Petitioner/s : Md Soban Asghar, Adv
For the Opposite Party/s : Mr. Gulnar Begum, APP
(In CRIMINAL MISCELLANEOUS No. 34336 of 2025)
For the Petitioner/s : Mr. Sanjay Kumar Jha, Adv
For the Opposite Party/s : Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 28-05-2025 Heard learned Counsels for the petitioners and learned
A.P.P for the State.

2. The petitioners have preferred this application for
grant of regular bail in connection with Madhwapur P.S. Case
No. 21 of 2025 registered for the offences punishable under
Sections 274, 275, 3(5) of the B.N.S. and under Section 30(a) of



the Bihar Prohibition and Excise Act.

3. As per the prosecution case, on getting confidential information, that some illicit liquor is being transported, the police intercepted a motorcycle and the rider of the motorcycle disclosed his name as Prabhas Kumar (petitioner). On being inquired, he disclosed that three motorcycles is coming with a large consignment of Nepali Liquor. It is further alleged that three motorcycles were subsequently intercepted and accused persons managed to escape, however, one person was apprehended who disclosed his name as Nitish Kumar (petitioner), thereafter, a search was made and total 342 litres of illicit Nepali liquor was recovered from the motorcycle.

4. Learned counsels for the petitioners have submitted that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that Nitish Kumar (petitioner) has falsely been shown to be the driver of the motorcycle as he is neither the owner of the motorcycle nor he is concerned with the alleged recovery. Learned counsel for the petitioner Prabhas Kumar submits that he has falsely been implicated in this case only because he gave the information to the police about the consignment coming on three motorcycles. It is further submitted that no recovery has been made from the



conscious possession of the petitioners. It is lastly submitted that the petitioners have no criminal antecedent and are in custody since 28.02.2025.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid submissions of learned counsels and taking into account the fact that no incriminating article has been recovered from the conscious physical possession of the petitioners and also considering the period of custody, let the petitioners above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Madhubani in connection with Madhwapur P.S. Case No. 21 of 2025, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be canceled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution will be at liberty to move for cancellation of their bail bond.



(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bonds of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

7. Accordingly, the application stands allowed.

(Sourendra Pandey, J)

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