

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35150 of 2025

Arising Out of PS. Case No.-111 Year-2025 Thana- KATEYA District- Gopalganj

Nitish Kumar Singh @ Nitesh Kumar Singh S/o Paspati Singh @ Pashupati
Singh R/o Village- Bhagwanpur, P.S.- Kateya, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kateya P.S. Case No. 111 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, 756 litre country made illicit liquor was recovered from Bolero SLX vehicle in question. Local people and local chaukidar disclosed the name of petitioner and other who succeeded in fleeing away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is not the owner of the said Bolero SLX vehicle in question. Petitioner was not found at the place of occurrence.



No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of one case in which he is on bail. Seizure list has not been made as per law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – XIII cum Special Excise Court No. I, Gopalganj in connection with Kateya P.S. Case No. 111 of 2025, subject to the conditions as laid down under Section 482 (2) of



BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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