

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35344 of 2025

Arising Out of PS. Case No.-66 Year-2025 Thana- SIKANDRA District- Jamui

Nitish Kumar @ Sonu S/o Mahesh Ravidash R/o Village- Barabandh, P.S-
Sikandara, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Anand, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Sikandara P.S. Case No. 66 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 1.125 litre foreign liquor was recovered from plastic bag which was being carried by the apprehended co-accused Rohan Kumar and he disclosed that the said liquor was given to him by the petitioner. Further, 7.875 litre foreign liquor was also recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that the name of the petitioner has been surfaced in this case upon



the disclosure of apprehended co-accused Rohan Kumar. Except disclosure of the said co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that from the perusal of seizure list, it is crystal clear that the place of recovery is outside the house of the petitioner which is accessible to all and petitioner cannot be held liable for the alleged recovery. Petitioner was not found at the place of occurrence. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner bears no criminal antecedent. 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, keeping in view clean antecedent of petitioner, 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 Exclusive Excise Court – Ist, Jamui or his Successor Court in connection with Sikandara P.S. Case No. 66 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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