

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52215 of 2025

Arising Out of PS. Case No.-75 Year-2025 Thana- SAHAJITPUR District- Saran

Nitish Kumar S/o- Binda Sah Resident of Village- Dhobawal, P/S- Baniyapur,
District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2025 Heard Learned Counsel for the petitioner and
Learned A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Sahajitpur P.S. Case No.75 of 2025, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, which is pending before the court of 2nd Exclusive Special Excise Judge, Saran at Chapra.

3. As per the prosecution, the total recovery of 8.260 litres of *illicit* liquor has been made from a motorcycle, which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that petitioner was not present on the spot and his name has been transpired only on suspicion. Counsel further



submits that criminal antecedent of the petitioner is not clean as there is one case pending against him in which, he is on bail. He further submits that nothing has been recovered from conscious possession of the petitioner. The said vehicle does not belong to the petitioner.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is not clean as there is one case pending against him and this aspect must be taken into consideration.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, trial court is directed to consider the regular bail application of the petitioner, if he surrenders within 6 weeks from today and prays for regular bail, then trial court shall pass order without being prejudice of the present order preferably on the same day.

(Dr. Anshuman, J.)

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