

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59643 of 2025

Arising Out of PS. Case No.-462 Year-2025 Thana- Excise P.S. District- Siwan

Nitish Kumar S/O Bachcha Kumar Yadav R/O Vill.- Siswan Dhala, Laxmipur,
P. S. - Siwan Town, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-09-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Siwan Excise P.S. Case No. 462 of 2025 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 14.07.2025 by the informant, Kamlesh Pandit.

3. As per the prosecution story, the Police upon secret information raided the house of the petitioner and outside it, there is recovery/seizure of 81 liters of country-made liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that he has no criminal antecedent, recovery/seizure is from an outside place and not from his conscious possession.

5. Learned APP opposes the prayer.

6. Taking into account the submissions of the parties



as also that nothing has been recovered from his conscious possession nor he has any criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Siwan in connection with Siwan Excise P.S. Case No. 462 of 2025 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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