

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64622 of 2025

Arising Out of PS. Case No.-435 Year-2023 Thana- CHANDAUTI District- Gaya

Nitish Ranjan Kumar @ Bittu Kumar S/o Akhilesh Prasad R/o Village -
Pandey Bigha, P.S - Kadirganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Soni Kumari, Advocate

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Chandauti P.S. Case No. 435 of 2023, registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. In course of patrolling, the police got an information that an accused in relation to Chandauti P.S. Case No. 392 of 2023 along with the petitioner and their companion fled away towards Gaya with the pick-up loaded with liquor. Based upon such information, the pick-up van, bearing Regn. No. BR01GL-1024 was seized from an isolated place and, in course of search, total 148.875 litres of country made liquor was recovered.

4. Learned advocate for the petitioner submitted that on the date of occurrence, i.e. on 18.08.2023, the petitioner was



sent to judicial custody in connection with Gurua P.S. Case No. 392 of 2023 and, as such, the presence of the petitioner at the place of occurrence does not arise. It is further submitted that the petitioner has no concern with the pick-up van in question nor during the course of investigation any cogent material has been collected suggesting his complicity in the crime save and except disclosure made by the accused persons. The petitioner, though bears 4 criminal antecedents, as has been disclosed in paragraph No.3 of the application, however, he is on bail in all those cases.

5. Learned advocate for the State opposed the bail application and submits that 4 criminal antecedents of the petitioner besides the material available on record clearly suggests his involvement in the crime.

6. Having considered the submissions advanced and taking note of the fact that on the alleged date of occurrence the petitioner was taken into judicial custody coupled with the fact that the petitioner has no concern with the pick-up van in question, more over mere criminal antecedent of a person cannot be the sole ground to reject the prayer for bail, however, it may be one of the factors to be considered alongside the other materials. There is no *prima facie* material which attracts the



rigours provided under Section-76(2) of Bihar Prohibition and Excise Act, 2016.

7. In view of the above, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned D & A.S.J.-cum-Exclusive Special Excise Court No.-IVth, Gaya in connection with Chandauti P.S. Case No. 435 of 2023 subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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