

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65861 of 2025

Arising Out of PS. Case No.-167 Year-2023 Thana- YADOPUR District- Gopalganj

NITISH KUMAR @ NITISH KUMAR YADAV S/o- Surender Yadav R/v-
Baikunthwa Ps- Nautan Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Adv.
For the Opposite Party/s : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Jadopur P.S. Case No. 167 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 433.8 liters illicit liquor from Tata Pick-up van bearing Reg. No. BR06G-6227, Glamour Motorcycle bearing Reg. No. DL8SBZ3039, Hero Splendor Motorcycle bearing Reg. No. BR22T-7110 and boat in question. Apprehended co-accused Suraj Kumar and Rahul Kumar disclosed the name of the petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. Petitioner was not found at the place of occurrence. Except disclosure of apprehended co-accused Suraj Kumar and Rahul Kumar, there is nothing on record to connect the present petitioner with the alleged occurrence. Learned counsel orally submits that petitioner is not owner of the seized vehicles in question and he has also no concern with the boat in question. No incriminating article has been recovered from possession of the petitioner. Petitioner bears criminal antecedent of four cases and because of having criminal antecedent petitioner has been falsely implicated in the present case. 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 vehemently 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 arrest or surrender within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of ADJ II-cum-Excise Court I, Gopalganj in connection with Jadopur P.S. Case No. 167 of 2023, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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