

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70499 of 2025

Arising Out of PS. Case No.-120 Year-2025 Thana- TEGHRHA District- Begusarai

Nitish Kumar Son of Police Yadav Resident of village - Pipradevas, P.S.-
Barauni, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Yadav

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Teghra P.S. Case No. 120 of 2025 registered for the offences punishable under Section 30(a), 30(c) and 41 of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, 90 litre illicit liquor alongwith apparatus used in manufacturing of alleged liquor was recovered from pit of co-accused Bhadra Jha. Apprehended co-accused Kundan Kumar disclosed the name of petitioner and other who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that except disclosure of apprehended co-accused Kundan Kumar, there is nothing on record to demonstrate the complicity of the



present petitioner with the alleged occurrence. He further submits that the place of recovery is an open place and petitioner cannot be held liable for the alleged recovery. He was not found at the place occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. There is no compliance of Section 103 of BNSS. Petitioner has no concern with the place of occurrence. 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. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner submitting that name of the petitioner has been surfaced in this upon the disclosure of apprehended co-accused Kundan Kumar and petitioner cannot escape from the allegation made in FIR. Hence, petitioner does not deserve anticipatory bail.

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 Special Excise Court, Ist, Begusarai in connection with Teghra P.S. Case No. 120 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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