

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74552 of 2025

Arising Out of PS. Case No.-286 Year-2023 Thana- SONBERSHA RAJ District- Saharsa

Nitish Kumar @ Kumar Nitish Raj Bauwa @ Nitish Raj @ Bauwa @ Bouwa
yadav Son of Late Dilip Pd. Yadav Resident of village -Ghoghanpatti PS-
Patarghat District-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate
For the Opposite Party/s : Mr. N.N. Tiwari, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 01-11-2025 Heard Ms. Rashmi Jha, learned counsel for the
petitioner and Mr. N.N. Tiwari, learned APP for the State.

2. The petitioner seeks bail in connection with
Sonbarsa Raj P.S. Case No. 286 of 2023 instituted for the
offences punishable under Sections 30(a), 41(i) of the Bihar
Prohibition and Excise Act.

3. The prosecution case, in short, is that total 558 litres
of liquor was recovered from a truck and a motorcycle.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious



possession of the petitioner. Learned counsel further submitted that the name of the petitioner has transpired in this case merely as being the owner of the truck in question but he had no knowledge regarding the goods loaded in the vehicle. The petitioner is in custody since 03.07.2025 and has two criminal antecedents. There is no compliance of Section 103 of the Bharatiya Nagarika Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sonbarsa Raj P.S. Case No. 286 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two



consecutive dates, the Trial Court will have liberty to cancel the
bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Alok Verma/-

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