

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85556 of 2025

Arising Out of PS. Case No.-105 Year-2025 Thana- Excise P.S. District- Nawada

Nitish Kumar, son of Upendra Singh, Resident Of Village- Kabala Ward no. 4, Ps- Pakribarawan, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shankar Kumar, Adv.

For the State : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 18-12-2025 1. Heard Mr. Shankar Kumar, learned counsel for the petitioner and Mr. Suresh Prasad Singh, learned APP for the State.

2. The petitioner apprehends his arrest in connection with Nawada Excise P. S. Case No. 105 of 2025 dated 19.02.2025 registered for the offences punishable under Sections 30(a) and 47 of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by the learned counsel for the petitioner are that the petitioner is not named in the FIR and subsequently he was made accused mainly on account of he being the registered owner of the Hyundai i-20 Car and at the time of recovery he was present in Delhi, in fact, the petitioner's own brother Dilkhush Kumar had taken the petitioner's car and the same was misused by him and co-accused Raja Babu and both were apprehended with the alleged



liquor and the alleged offences of the Excise Act under which the FIR has been registered do not attract even prima facie against the petitioner, so, his prayer is not hit by the provision of Section 76(2) of the Bihar Prohibition and Excise Act.

4. Though, learned APP appearing for the State has opposed the bail prayer of the petitioner but he fairly accepts that the petitioner has been made accused only on account of he being the registered owner of the alleged car.

5. In the facts and circumstances of this case and considering the above submissions, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Nawada Excise P. S. Case No. 105 of 2025 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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