

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89887 of 2024

Arising Out of PS. Case No.-409 Year-2024 Thana- NAWADA MUFFASIL District- Nawada

Nitish Kumar @ Prince Kumar S/o- Sanjay Chaudhary Resident Of Village-
Barma, Ps- Muffasil, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 28-01-2025 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application for grant of anticipatory bail arises out of Nawada Mufassil Excise Police Station Case No. 409 of 2024, dated 18.10.2024, disclosing offences punishable under Sections 30(a)/30 (d) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioner is indulged in manufacturing and selling liquor in his house, raided the house of the petitioner and recovered 20 litres of illicit liquor and other equipment for preparation of liquor from the house of petitioner.
4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case merely on suspicion. He further submits that the house in question is a joint family property, where other persons of the family also reside. He further submits that the petitioner has got no criminal antecedent.

5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit liquor has been recovered from the house of the petitioner. Accordingly, on perusal of the First Information Report and the seizure list, a *prima facie* case is made out against the petitioner and in view of the Full Bench decision of this Court, in **Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)**, I am not inclined to exercise my discretion for grant of anticipatory bail to petitioner.
6. This application is, accordingly, dismissed.
7. However, if the petitioner surrenders before the concerned Court and seeks regular bail, the same may be considered by the concerned Court on its own merit, if possible on the same date, without being prejudiced by



the rejection of the present anticipatory bail application of
the petitioner by this Court.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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