

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.8420 of 2026**

Arising Out of PS. Case No.-165 Year-2025 Thana- BHAIKAVSHTHAN District-  
Madhubani

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Nitish Kumar Sharma @ Nitash Kumar Sharma Son of Hareram Sharma @  
Hareram Thakur Resident of Village- Atari, Ward No. 06, P.S.- Laukahi,  
District- Madhubani, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

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

**ORAL ORDER**

2      11-02-2026                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner seeks bail in Bhairavsthan P.S. case  
No. 165 of 2025 instituted for the offences under Sections 274,  
275, 3(5) of Bharatiya Nyaya Sanhita, 2023 and Section 30(a) of  
the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that 576 liters  
liquor was recovered from car and the petitioner was arrested  
on spot.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. No incriminating material has been recovered  
from the conscious possession of the petitioner. The petitioner



has got no concern with the alleged recovery of liquor. It is further submitted that the petitioner is neither owner nor driver of the vehicle but was sitting by the side of the driver and he had no knowledge regarding the nature of goods kept in vehicle. The petitioner is in custody since 13.12.2025 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S., 2023.

5. Learned A.P.P. 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, clean antecedent and 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 on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Bhairavsthan P.S. case No. 165 of 2025.

**(Rudra Prakash Mishra, J)**

Pankaj/-

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