

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8909 of 2026

Arising Out of PS. Case No.-85 Year-2025 Thana- BABURA District- Bhojpur

NISHANT KUMAR S/O TRILOKI NATH SINGH RESIDENT OF
VILLAGE - DHANDIHA, PS- KOILWAR, DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Vikram, Advocate

For the Opposite Party/s : Mr.Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Babura P.S. Case No. 85 of 2025, registered for the offence punishable under Sections 30(a) and 41 of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution-case, there is alleged recovery of 116.1 illicit foreign liquor kept beneath the seat of the driver and other places of tempo in question.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged in the F.I.R. He further submits that the vehicle in question has been given to the driver for carrying passengers and petitioner has no knowledge about the alleged recovery. The



tempo of the petitioner was allegedly misused by the driver Baddu Kumar and two passengers Dheeraj Kumar and Jeetan Kumar. Petitioner has nothing to do with the alleged occurrence. Petitioner was not found at the place of occurrence and he was not engaged in the illegal illicit liquor business. Apart from that petitioner has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that petitioner is named in the F.I.R. and he cannot escape from the allegations made in the F.I.R.

6. Considering the facts and circumstances of the case, petitioner was not found at the place of occurrence, keeping in view clean antecedent of the 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 No. 1st, Bhojpur, Ara in connection with Babura P.S. Case No. 85 of 2025, subject to the conditions as laid down



under Section 482(2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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