

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22650 of 2026

Arising Out of PS. Case No.-257 Year-2025 Thana- KISHANPUR District- Supaul

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1. Nitish Kumar Son of Ashok Yadav All are Resident of Village - Khakhai, Ward No. 01, P.S. - Kishanpur, District - Supaul.
 2. Indrajeet Kumar Son of Dinesh Yadav All are Resident of Village - Khakhai, Ward No. 01, P.S. - Kishanpur, District - Supaul.
 3. Pradeep Kumar Son of Ravindra Yadav All are Resident of Village - Khakhai, Ward No. 01, P.S. - Kishanpur, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-04-2026 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners are apprehending arrest in connection with Kishanpur P.S. Case No. 257 of 2025 lodged on 19.12.2025, for the offence punishable under Sections 30(a)/41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022, pending in the Court of Exclusive Special Judge, Excise Court No.1, Supaul.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioners and one unknown person. Total recovery of 180 litres of illicit



liquor has been made, which is the subject matter of the present case.

4. Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. Counsel submits that nothing has been recovered from the conscious possession of the petitioners and the said recovery has been made from the vehicle. Counsel submits that the petitioners have no concern with the alleged recovery. Counsel further submits that the petitioners have one criminal antecedent in which, they are on bail.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that criminal antecedent of the petitioners is not clean as there is one case pending against them which is registered under Excise Act and this aspect must be taken into consideration.

6. As such, in the present facts and circumstances, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for anticipatory bail of the petitioners stand rejected.

7. However, if petitioners surrender before the concerned Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on their surrender-cum-bail application on the same day, without



being prejudice that the anticipatory bail of the petitioners has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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