

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24032 of 2026

Arising Out of PS. Case No.-60 Year-2026 Thana- BARGAINIA District- Sitamarhi

Niraj Kumar @ Niraj yadav son of Rajkishore Yadav Resident Of Village-
Masha Alam Ps- Bairgania Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dwij Raj, Advocate.

For the Opposite Party/s : Mr. Ramesh Chandra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 17-04-2026 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bairgania P.S. Case No.60 of 2026 registered under Section 30(a)
of Bihar Prohibition and Excise Act.

3. As per the prosecution case, 418.80 liters of *Nepali*
Saufi liquor was recovered from two motorcycles without
registration number therein. It is alleged that co-accused
Lakhindra Kumar was arrested on the spot and the petitioner
alongwith other co-accused persons managed to flee away from
the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this case
only on the basis of disclosure statement made by the co-accused
Lakhindra Kumar with ulterior motives. He further submits that
petitioner has no concern either with the alleged seized liquor or
with the seized motorcycles. Learned counsel submits that



petitioner was not present on the spot and no incriminating material has been recovered from his conscious possession. He further submits that except the disclosure statement of the co-accused, there is no material against the petitioner. Learned counsel submits that the petitioner has two criminal antecedents, out of which one case belongs to the Excise Act. petitioner has got clean antecedent and he undertakes to cooperate in the investigation and trial of the case.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case, submissions of learned counsel for the parties and the nature of allegation against the petitioner, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, Sitamarhi/ concerned Court in connection with Bairgania P.S. Case No.60 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023.

(Sunil Dutta Mishra, J)

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