

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23609 of 2026

Arising Out of PS. Case No.-203 Year-2025 Thana- MADANPUR District- Aurangabad

Nitish Kumar S/o Sanjay Lal R/o vill- Manika, P.S.- Madanpur, Dist.-
Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

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

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 30(a) and 32(c) of the Bihar Prohibition and Excise (Amendment) Act, 2022 in connection with Madanpur P.S.Case No. 203 of 2025.

3. Learned counsel for the petitioner submits that the petitioner is innocent and the entire allegation is false and concocted. The petitioner has nothing to do with the seized illicit liquor.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. The petitioner claims to be having no criminal antecedent. He was not apprehended on the spot and, therefore,



no liquor was recovered from the conscious physical possession of the petitioner. The motor-cycle from which the liquor has been recovered, also does not belong to the petitioner. The owner of the motor-cycle Prince Kumar, who was carrying the liquor, has already been apprehended. The search and seizure memo also does not bear the signature of two independent witnesses, in fact, it bears the signature of the police witnesses, thereby putting a question mark on the seizure itself.

6. Considering all these aspects of the matter, I am inclined to grant privilege of anticipatory bail to the petitioner. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction learned District and Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court No.1, Aurangabad in connection with Madanpur P.S.Case No. 203 of 2025, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to further condition that :-

(i) the petitioner shall co-operate in the investigation/ trial.



(ii) the learned court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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