

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29783 of 2026

Arising Out of PS. Case No.-130 Year-2026 Thana- Excise P.S. District- Purnia

Nitish Kumar S/O Hanshi Yadav Resident of Village- Birgaon, P.S.-
Gwalpara, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Mallick, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-05-2026 Heard Mr. Pramod Kumar Mallick, learned counsel
for the petitioner and Mr. Parmanand Kumar, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
24.02.2026 in connection with Excise Sadar P.S. Case No.130 of
2026, F.I.R. dated 23.02.2026 for the offences punishable under
Section 30(a), 47 of the Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 106.200 liters of foreign liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that it appears
from the F.I.R. as well as seizure list that nothing has been
recovered from the conscious possession of the petitioner rather
the recovery has been made from vehicle in question and the



petitioner has no role at all in the present occurrence. He further submits that seizure list witnesses are police personnel so there is non-compliance of Section 103 and 105 of BNSS. He further submits that similarly situated co-accused, namely, Raushan Kumar @ Roshan Kumar has been granted the privilege of bail by this Court vide order dated 06.04.2026 in Cr. Misc. No. 22236 of 2026. The petitioner is in custody since 24.02.2026.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-2nd(Excise), Purnia in connection with Excise Sadar P.S. Case No. 130 of 2026, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage 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, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Suruchi/-

U		T	
---	--	---	--

