

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29216 of 2026

Arising Out of PS. Case No.-673 Year-2025 Thana- MAKHDUMPUR District- Jehanabad

Nitish Kumar S/o Sunil Yedav R/o Village - Dhirabigha, P.S - Makhdumpur,
District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 06-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Makhdumpur PS. Case No. 673 of 2025 dated 28.8.2025
instituted under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2022.

3. The allegation is of recovery of 57 litres of illicit
foreign liquor from a Swift Dzire car bearing Registration No.
BR 1AC 5807. It is further alleged that two persons were
apprehended at the spot who disclosed the name of the
petitioner working as a liner of illicit liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. It is further submitted that no incriminating article



has been recovered either from the conscious possession of the petitioner or from his house; rather, the seized illicit liquor has been recovered from a Swift Dzire car which does not belong to the petitioner. It is further submitted that the petitioner has been made an accused only on the basis of disclosure made by the apprehended accused persons stating his role as a liner of illicit foreign liquor. Lastly, it is submitted that one criminal case is pending against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, 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 bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Judge 1st, Jehanabad, Dist. Jehanabad, in Makhdumpur PS. Case No. 673 of 2025, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita 2023* and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

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