

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28455 of 2026

Arising Out of PS. Case No.-25 Year-2026 Thana- KANHHAULI District- Sitamarhi

Nitish Kumar @ Nitish Das son of Indal Das Resident of Village- Ramnagra
Ward no. 1, Ps- Kanhauli, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Madhubala Verma, Adv.

For the Opposite Party/s : Ms.Dr. Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 07-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Kanhauli P.S. Case No. 25 of 2026 dated 26.02.2026 registered for the offence punishable under Section/s 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, the police have recovered total 692.640 liters of illicit Nepalese and English liquor from a four-wheeler being vehicle Mahindra Scorpio vehicle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is next submitted that the seized article have not been recovered from the constructive possession of the petitioner rather the same has been recovered from the Mahindra Scorpio vehicle. It is further submitted that the name



of the petitioner has transpired in this case on the basis of the disclosures made by the apprehended co-accused Khushi Kumar. Counsel for the petitioner fairly submits that the petitioner bears altogether seven antecedents and, in all such cases, he is on bail. However, counsel for the petitioner, on instruction, submits that the petitioner, without accepting his guilt, is ready to pay an amount of Rs. 25,000/- in the Advocates' Association of the Patna High Court.

5. Learned APP for the State opposes the prayer for grant of anticipatory bail.

6. Having heard learned counsel for the parties and considering the fact that the name of the petitioner has transpired in this case on the basis of the disclosures made by the co-accused as also taking into account the fact that there is no recovery from the constructive possession of the petitioner, let the petitioner, above named, be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned I/c Exclusive Special Excise Court No.I, Sitamarhi in connection with Kanhauli P.S. Case No. 25 of 2026, subject to the condition as



laid down under Section 482(2) of the B.N.S.S. as well as the following conditions:

(i) The receipt of deposit in the account of Advocates' Association of the Patna High Court, shall be shown to the learned court below.

(ii) One of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document / personal affidavit to show his/her bona fide;

(iii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Ajit Kumar, J)

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