

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35877 of 2026

Arising Out of PS. Case No.-120 Year-2024 Thana- SHEKHPURA District- Sheikhpura

Nitesh Kumar Singh Son of Sanjay Singh Resident of Krishnapuri Colony,
P.S- Chas, Dist- Bokaro, Jharkhand- 827013

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-06-2026 The Court proceeding is being conducted through
virtual mode.

2. No one appears on behalf of the petitioner even after repeated calls in spite of the fact that there are name of four Counsels on record, namely, Prakash Kumar, Manoranjan Kumar, Rudra Pratap Singh and Aditya Pratap. However, learned Counsel for the State is present.

3. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS, 2023') for grant of anticipatory bail to the petitioner who apprehends arrest in connection with Sheikhpura P.S. Case No. 120 of 2024, lodged on 25.02.2024, for the offences punishable under Sections 30(a), 32 and 41 of the Bihar Prohibition and Excise



Act.

4. As per the prosecution, total recovery of 291.375 litres of foreign liquor has been made which is the subject matter of the present case.

5. From the record it transpires that the present anticipatory bail application has been filed for apprehension of arrest of the petitioner, who is alleged to be the owner of Hyundai car, and from the dicky of the said car total recovery of 664 bottles wine of foreign liquor, quantity 291.375 litres, have been recovered in presence of the police party. Plea has been taken that no one was arrested and nothing was recovered from the conscious physical position of the petitioner. This point has also been taken that the petitioner has noting to do with the alleged recovery of 291.375 litres illicit foreign liquor and seizure list was not prepared in presence of the independent witnesses but the witnesses were the members of the raiding team.

6. Further plea has been taken that compliance of Section 100 of Cr.P.C. has not been taken place. The petitioner who is the owner of the seized vehicle from which said illicit liquor was recovered but has no concern with the transport of the illicit liquor from his vehicle.



7. Learned Counsel for the State submits that recovery has been made from the dicky of the said vehicle and situation has been explained in the FIR under which the police party became the witness on the seizure. Counsel for State further submits that there is no where explained in the petition about circumstance under which the recovery has been made from the vehicle of the petitioner and how the said vehicle which was registered at West Bengal has been recovered from Bihar's Sheikhpura district.

8. In the present facts and circumstances that the vehicle is registered at West Bengal, owner has given his address of Bokaro (Jharkhand) and recovery of the said vehicle was made from Sheikhpura and there is no explanation for the same. This Court is not inclined to grant anticipatory bail to the petitioner. Hence, this anticipatory bail application is rejected.

(Dr. Anshuman, J)

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