

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33689 of 2026

Arising Out of PS. Case No.-99 Year-2026 Thana- HARNAUT District- Nalanda

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Nitish Kumar S/O Pardesi Ram R/O Mohalla - Ambedkar Nagar, Harnaut,
P.S- Harnaut, Dist- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Suryakant Kumar, Advocate
For the Opposite Party : Mr.Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-06-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Harnaut P.S. Case No.99 of 2026 registered under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 172.8 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for the petitioner that the name of petitioner arrayed solely out of animosity with the informant, namely, Kamlesh Yadav. It



is also submitted that the recovery of illicit liquor was made from the house of Kamlesh Yadav, who claims that petitioner is a tenant of that house where the recovery of alleged liquor was made. It is also submitted that petitioner is not the tenant of Kamlesh yadav, as such, there is no documentary evidence available for the same. It is also submitted that recovery of illicit liquor was not made from conscious possession of this petitioner. Explaining criminal antecedent, it is submitted that the petitioner found involved in one criminal case, where he is on bail.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Court of District and Additional Sessions Judge- V cum Special Judge, Excise- I, Biharsharif, Nalanda, in connection with Harnaut P.S. Case No.99 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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