

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36662 of 2026

Arising Out of PS. Case No.-1 Year-2026 Thana- Telta District- Katihar

Nitish Sah @ Nitesh Saha S/o Umesh Sah Resident of Village- Aandov @
Gyandov @ Jaandov @ Ghyandov, P.S. -Amour, District- Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-06-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Telta P.S. Case No. 01 of 2026 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to have in possession of **21.540 litres** of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that the alleged motorcycle was given under friendly faith to co-accused namely, Suraj Kumar Choudhary, which was misused in alleged carrying of illicit liquor and when said Suraj Kumar Choudhary was apprehended by police, he



disclosed the name of this petitioner, therefore, it can be safely said that recovery of illicit liquor was not made from conscious physical possession of this petitioner, who is a man of clean antecedent.

5. Mr. Suresh Pd. Singh, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be made from conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. I, Katihar/concerned court in connection with Telta P.S. Case No. 01 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

Rajeev/-

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