

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36543 of 2026

Arising Out of PS. Case No.-170 Year-2026 Thana- MASAUDHI District- Patna

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1. Nitish Kumar @ Nitesh Kumar, S/o Rakesh Prasad @ Ravindera Yadav,
 2. Lallu Yadav @ Lallu Kumar, S/o Devnandan Yadav, Resident of Village/Mohalla- Salempur, P.S.- Kadhauna, District- Jehanabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-06-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Both accused/petitioners are named in the FIR and apprehending their arrest in connection with Masaurih P.S. Case No.170 of 2026 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and Amendment Act, 2022.

3. Allegation against petitioners is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 283 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for petitioners that recovery of illicit liquor was made from the open field, where petitioners were implicated with present recovery out of old enmity and litigation between the parties



and also due to police suspicion. It is pointed out that the petitioners are involved in one more criminal case, where they are on bail.

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

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be made from conscious physical possession of petitioners, rather from an open field, accordingly, both above-named petitioners, in the event of their arrest or surrender in the court below within a period of four weeks from today, are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-III, Patna in connection with Masaurih P.S. Case No.170 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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