

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35663 of 2026

Arising Out of PS. Case No.-115 Year-2026 Thana- JANTA BAZAR District- Saran

Nitish Kumar S/O Umesh Prasad R/O Village - Shiv Tola, Dandashpur, P.S-
Janta Bazar, District- Saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bishwajeet Singh, Adv.

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-06-2026 Heard Mr. Bishwajeet Singh, learned Advocate for the

petitioner and Mr. Rana Randhir Singh, learned Additional

Public Prosecution for the State through virtual mode.

2. The petitioner apprehends his arrest in connection
with Janta Bazar P.S. Case No. 115 of 2026, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2022.

3. Acting on a tip off, trafficking of illicit wine, the
police conducted a vehicle checking, however, noticing the
police party, three persons succeeded in fleeing away, whereas
one Manu Kumar Yadav, who was apprehended at the spot. In
course of raid, a Ford Free Style Titanium Car and motorcycle
were seized. From the afore-noted car, total 261 litres of foreign
liquor was recovered, whereas 43.200 litres of Indian made



foreign liquor was recovered from the motorcycle. The apprehended person disclosed the name of the petitioner and others who succeeded in fleeing away.

4. Learned Advocate for the petitioner submitted that the petitioner has neither any concern with the vehicles in question, which were seized at the time of raid, nor with the recovered illicit wine. The name of the petitioner has been implicated only on account of his past criminal antecedent of identical nature as has been disclosed in paragraph no. 3. There is complete defiance of Sections 103 and 105 of B.N.S.S., moreover, during the course of investigation, no other cogent materials have collected suggesting the complicity of the petitioner in crime.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that a huge consignment of illicit wine was recovered from the vehicles which were seized by the police and the apprehended person disclosed the name of the petitioner; besides, he is carrying four criminal antecedents of identical nature.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that the petitioner has neither any concern with the



vehicle in question, nor with the illicit wine; besides, no materials have collected during the course of investigation which attracts the rigors provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act, moreover, criminal antecedent of a person cannot be the sole ground to reject the prayer for anticipatory bail, unless there is other cogent material, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-III, Saran at Chapra in connection with Janta Bazar P.S. Case No. 115 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

sadique/-

U		T	
---	--	---	--

