

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38214 of 2026

Arising Out of PS. Case No.-89 Year-2026 Thana- HARNAUT District- Nalanda

Bittu Kumar Son of Dilip Yadav Resident of Village - Malbigha, P.S.-
Noorsarai, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 23-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Harnaut P.S. Case No. 89 of 2026 dated 21.02.2026 registered for the offence punishable under Section/s 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the prosecution case, the police has recovered total 41.800 liter of illicit country-made liquor from the motorcycle bearing Regd. No. BR21AB5658.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the instant case. It is next submitted that the recovery of the alleged illicit liquor is said to have been recovered from the motorcycle which does not belong to the petitioner. It is further submitted



that nothing incriminating has been recovered from the constructive possession of the petitioner. Lastly, it is submitted that the petitioner is a person of clean antecedent.

5. Learned APP for the State opposes the prayer for grant of anticipatory bail.

6. Having heard learned counsel for the parties and considering that the alleged motorcycle from which the recovery of illicit liquor is said to have been made does not belong to the petitioner and the fact that the petitioner bears no criminal antecedent, let the petitioner, above named, be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge-Vth cum Special Judge, Excise, Nalanda at Biharsharif in connection with Harnaut P.S. Case No. 89 of 2026, subject to the condition as laid down under Section 482(2) of the B.N.S.S. as well as the following conditions:

(i) One of the bailors should be the family member/relative/known of the petitioner who shall provide official document / personal affidavit to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Ajit Kumar, J)

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