

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39946 of 2026

Arising Out of PS. Case No.-49 Year-2026 Thana- BARGAINIA District- Sitamarhi

Nitish Kumar @ Nitesh Rai @ Nitish Rai S/O Chandeshwar Rai @
Chandeshwar Yadav Resident of Village- Masha Aalam, P.S- Bairstania,
Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dwij Raj

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-06-2026 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a)(c) of the Excise Act and Sections 112(2) and 3(5)
of the B.N.S.

3. The learned counsel for the petitioner submits that
the petitioner has antecedent of three cases under the Excise Act
and allegation is of recovery of 705.9 litres of liquor from house
and orchard of Ranjit Ram and 207 litres of liquor from a
motorcycle parked in the premise of Sanjay and also from a
place behind the house.

4. The learned counsel for the petitioner submits that



petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and even alleged recovery is from a place, which does not belong to the petitioner and is not the owner of the seized vehicle, nor he has any concern with Ranjit and Sanjay, but he came to be implicated based on confessional statement of Ranjit in police custody, which does not have any evidentiary value. It is next submitted that police in majority of cases implicating innocent persons in cases relating to excise either at the behest of Chaukidar, local person, secret information and confessional statement in a mechanical manner without holding a proper investigation.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/successor Court in connection with Bairgania P. S. Case No.49 of 2026, subject to the



conditions laid down under Section 482(2) of the BNSS.

7. The application stands allowed.

8. It is made clear that the learned trial Court after accepting the provisional bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of more than three cases, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner has antecedent of three cases only, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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