

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48359 of 2026

Arising Out of PS. Case No.-172 Year-2025 Thana- MALAHI District- East Champaran

Nitesh Kumar @ Nitish Kumar Son of Upendra Yadav Resident of Village -
Majhariya, P.S.- Malahi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2026 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Malahi P.S. Case No.172 of 2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The police, upon receiving secret information, reached at Dhobi Ghat situated on the bank of River Chandrawati near Village Majhariya. On noticing the police party, the person carrying a sack on his shoulder allegedly fled away after throwing the same. Upon search, 25.920 litres of foreign liquor was recovered from the said sack. Subsequently, the said person was identified as the petitioner.

4. Learned Advocate for the petitioner submitted that



the FIR itself discloses that the alleged recovery was effected from the bank of a river and not from the conscious possession of the petitioner. It is further submitted that the identification of the petitioner by the local Chowkidar, who belongs to a different village, appears to be unfounded and not trustworthy. It is contended that merely on account of the petitioner's two criminal antecedents, one of which relates to an offence under the Excise Act, his name has been implicated in the present case on mere suspicion. It is further argued that no material has been collected during the course of investigation to indicate the petitioner's complicity in the alleged offence. The petitioner undertakes that he will fully cooperate in the proceedings of the Court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Having considered the submissions advanced on behalf of the parties and taking note of the doubtful nature of the petitioner's identification, coupled with the fact that the alleged recovery was effected from the bank of a river and not from the conscious possession of the petitioner, as also the absence of any material collected during the investigation attracting the rigours provided under Section 76(2) of the Bihar Prohibition



and Excise Act, 2016, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-I, East Champaran, Motihari in connection with Malahi P.S. Case No.172 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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