

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.48198 of 2026**

Arising Out of PS. Case No.-63 Year-2026 Thana- KUTUMBA District- Aurangabad

Nitish Kumar @ Pandu S/o Kamlesh Mehta R/o Village - Shivpur, P.S -  
Nabinagar, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bindeshwar Prasad Singh, Adv.  
For the Opposite Party/s : Mr.Nagendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR**  
**ORAL ORDER**

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

2. The petitioner is apprehending his arrest in connection with Kutumba P.S. Case No. 63 of 2026 for the offence punishable under section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022 lodged on 26.04.2026 by the informant.

3. 1.2 litres of illicit country made liquor is said to have been recovered.

4. Learned counsel for the petitioner submits that the name of the petitioner has transpired in this case on the basis of statement made by one co-accused, Anuj Kumar from whose possession the recovery of illicit liquor has been made, while it is the case of the petitioner that neither the petitioner was found on the spot nor any thing incriminating has been recovered from



his constructive possession and he has got clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail though concedes that the recovery has been made from the possession of the co-accused.

6. Considering the fact that nothing incriminating has been recovered from the constructive possession of the petitioner rather recovery of illicit liquor has been made from the possession of the co-accused on whose statement the petitioner has been implicated in this case and the petitioner has got clean antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned ***Exclusive Special Judge, Excise Court No.1, Aurangabad*** in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

*(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;*

*(ii) the petitioner(s) 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/their bail bond by the Trial Court itself;*

*(iii) the petitioner(s) 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;*

*(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/their bail bonds.*

**(Ajit Kumar, J)**

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