

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63073 of 2025

Arising Out of PS. Case No.-110 Year-2025 Thana- PIPRA District- Supaul

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1. Sadanand Kamat S/O Late Yogendra Kamat @ Jogindra Kamat R/O Vill.- Bahurava, Ward no. 11, P.S.- Kishanpur, Dist.- Supaul
 2. Nitish Kumar @ Nitish Kumar Yadav S/O Bhogilal Yadav @ Jogi Yadav R/O Vill.- Devipatti, Ward no.9, P.S.- Pipra, Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 06-01-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. Learned counsel for the petitioners, at the outset, seeks permission to withdraw the anticipatory bail application with respect to petitioner no.2, namely, Nitish Kumar @ Nitish Kumar Yadav as he was arrested during the pendency of the instant anticipatory bail application.

3. Permission is accorded.

4. The anticipatory bail application is dismissed as withdrawn so far as petitioner no.2, Nitish Kumar @ Nitish Kumar Yadav is concerned.

5. Petitioner No.1, namely, Sadanand Kamat apprehends his arrest in a case registered for the offence



punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

6. Learned counsel for the petitioner submits that petitioner no.1 has antecedents of three cases under the Excise Act and allegation is of recovery of 52.8 litres of liquor from a sack tied to a motorcycle. It is next submitted that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession and is not the owner of the seized vehicle and he came to be implicated at the instance of Chowkidar but then it is submitted that if Chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant FIR which casts an aspersion on the case of the prosecution. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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

8. Considering the submissions made by the learned counsel for the petitioner, petitioner no.1, 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 Exclusive Special Excise Court No.-I, Supaul in connection with Pipra P.S. Case No.110 of 2025, giving rise to S.T. Excise No.353 of 2025, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

9. The application stands allowed.

10. 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 antecedents 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 antecedents of only three cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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