IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82428 of 2026
CNR No. BRHC011192022026
Arising Out of PS. Case No.-381 Year-2026 Thana- PHULPARAS District- Madhubani

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Nitish Kumar Yadav S/o Gautam Yadav R/o vill - Firojgadha, P.S.- Ghoghardiha, Distt.- Madhubani

... ... Petitioner

Versus

The State of Bihar

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party/s : Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA

ORAL ORDER

2 25-11-2026 Heard the parties.

2. The accused/petitioner seeks bail in connection with Phulparas P.S. Case No.381 of 2026 registered for the offences punishable under Sections 61(2) & 111 of the B.N.S. and Sections 30(a), 38(1) & 41(1) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. The accused/petitioner named in the FIR and is in custody since 13.09.2026.

4. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 587.58 litres of IMFL/country-made liquor.

5. It is submitted by learned counsel appearing for the petitioner that the seized illicit liquor was recovered from a Scorpio bearing Registration No.BR01JG2985. It is submitted

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that the implication of petitioner for the offence of organised crime *prima-facie* not appears convincing in view of the fact that the petitioner is a man of clean antecedent. It is pointed out that one of the basic legal ingredients as to attract offence within the meaning of Section 111 of the BNS is "continuing unlawful activity". It is further submitted that from the explanation 2 appended to Section 111 of the BNS, it transpires that on behalf of such syndicate in respect of which more than one charge-sheets have been filed before the competent court within the preceeding period of 10 years, and that Court has taken cognizance of such offence, and in that case only the allegation *qua* involvement in organised crime appears convincing. It is also submitted that the Scorpio was occupied by other person also, and this petitioner was a driver, wherein during investigation nothing transpires which may suggest that this petitioner being a driver was under knowledge carrying consignment of illicit liquor.

6. Learned APP opposed the prayer of bail.

7. In view of aforesaid factual submissions and by taking note of fact as recovery of illicit liquor *prima-facie* not appears to be made from physical possession of this petitioner,

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who implicated *prima-facie* being the driver of the vehicle carrying illicit liquor, coupled with the fact that petitioner being a man of clean antecedent remains in custody since 13.09.2026, accordingly, the petitioner above-named, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (Excise), Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No.381 of 2026, subject to the condition as laid down under Section 480(3) of the Bharatiya Nagarik Suraksha Sanhita (in short "B.N.S.S.").

(Chandra Shekhar Jha, J.)

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