

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.33406 of 2025**

Arising Out of PS. Case No.-166 Year-2025 Thana- Excise P.S. District- Lakhisarai

Avinash Kumar, Son of Karu Yadav, Resident of Village -Goddi P.S. -Kiul,  
District -Lakhisarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      20-05-2025                      Heard learned counsel for the petitioner and  
  
learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Excise P.S. Case No.166C2 of 2025 registered under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 16 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel for the petitioner that the recovery of illicit liquor was made from the house of the petitioner without compliance of mandatory provisions as available under Section 103(4) of the Bhartiya



Nargirk Suraksha Sanhita, 2023, making entire search and seizure doubtful. It is submitted that the house in issue is being used by different adult members of the family and, therefore, it can be safely said that the recovery was not made from conscious physical possession of this petitioner. The petitioner found involved in one more criminal case of similar nature, where he is on bail.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be recovered from conscious physical possession of this petitioner, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Exclusive Special Excise Court-II, Lakhisarai in connection with Excise P.S. Case No.166



C2/2025, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS with further condition:-

(i) That petitioner shall not indulge in similar nature of cases till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

**(Chandra Shekhar Jha, J.)**

Sanjeet/-

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