

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58421 of 2025

Arising Out of PS. Case No.-32 Year-2025 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Avalesh Kumar @ Abhilesh Kumar S/O Ram Chandra Singh R/O Vill.-
Dafarpur, P.S.- Naokothi, Dist.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Adv.

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

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 19-08-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has earlier moved before this Court
with a prayer for anticipatory bail which was rejected vide order
dated 22.04.2025 passed in Cr. Misc. No. 20328 of 2025.

3. The petitioner seeks bail in connection with
Nawkothe P.S. Case No. 32 of 2025, registered under Section
61(2) of the Bharatiya Nyaya Sanhita, 2023, read with Sections
30(a), 32, 41 of the Bihar Prohibition and Excise Act and
Sections 25(1)(a) of the Arms Act.

4. The prosecution case, in short, is that, 134.64 liters
liquor was recovered from motorcycle.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The name of the petitioner has transpired in this case on the basis of the disclosures made by the co-accused Manish Kumar who has already been granted bail by this Court vide order dated 28.03.2025 passed in Cr. Misc. No. 19009 of 2025. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern either with the seized liquor or the alleged motorcycle. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has two criminal antecedents and is languishing in judicial custody since 11.07.2025 without any rhymes or reason.

6. Learned counsel for the petitioners again submits that the co-accused namely Kumar Pranjal has been granted bail by this Court vide order 20.06.2025 passed in Cr. Misc. No. 34263 of 2025.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner,



let the petitioner, abovenamed, be released on bail on furnishing
bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties
of the like amount each to the satisfaction of Court
below/concerned Court in connection with Nawkothi P.S. Case
No. 32 of 2025.

(Rudra Prakash Mishra, J)

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