

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.88450 of 2024**

Arising Out of PS. Case No.-471 Year-2024 Thana- MAKHDUMPUR District- Jehanabad

Abhinash Kumar @ Avinash Kumar S/O Surajdev Singh @ Suryadev Singh  
Resident of Village- Kanshara, P.S- Makhdumpur, District- Jehanabad  
(Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Amrendra Kumar Singh  
For the Opposite Party/s : Mr. Lalan Kumar, A.P.P

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      08-01-2025      Learned counsel for the petitioner is permitted to  
make necessary correction in para 8 of the bail petition during  
the course of the day.

2. Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

3. The petitioner is apprehending his arrest in  
connection with Makhdumpur P.S. Case No. 471 of 2024  
registered for the offences punishable under Section 30(a) of the  
Bihar Prohibition and Excise Act 2022.

4. As per prosecution case, 3.750 litre foreign  
liquor was recovered from the house of the petitioner and  
petitioner is alleged to have fled away from the place of  
occurrence.



5. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. He further submits that petitioner bears criminal antecedent of one case. He further submits that petitioner has no concern with the alleged recovered liquor. Learned counsel orally submits that place of recovery is joint family property and petitioner cannot be held liable for the alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submits that there is no compliance of Section 103 B.N.S.S. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

6. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of learned Exclusive Special  
Excise Court No. 1, Jehanabad in connection with Makhdumpur  
P.S. Case No. 471 of 2024 subject to the conditions as laid down  
under Section 482 of BNSS.

8. The application stands allowed.

**(Alok Kumar Pandey, J)**

vashudha/-

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