

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2502 of 2026

Arising Out of PS. Case No.-416 Year-2025 Thana- EXCISE MAHARAJGANJ District-
Siwan

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Avinash Kumar @ Abhinash Kumar @ Kallu @ Kalu S/O Mukund Prasad @
Mukundi Prasad Resident of Village - Bithuna Ward No. 05, P.S. - Basantpur,
District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr.Kanhiya Kishor, A.P.P.

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

ORAL ORDER

2 19-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Maharajganj Excise P.S. Case No. 416 of 2025, instituted for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. The prosecution case, in short, is that total 285
liters liquor was recovered near the house of petitioner beside
the wall of bathroom. Petitioner was arrested on the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. Learned counsel for the petitioner further submitted that the recovery has been made beside the wall of bathroom of the petitioner, which is open place and accessible to public at large. The petitioner is in custody since 09.12.2025 and has got no criminal antecedent. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Maharajganj Excise P.S. Case No. 416 of 2025.

(Rudra Prakash Mishra, J)

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