

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24425 of 2026

Arising Out of PS. Case No.-98 Year-2026 Thana- SITAMARHI District- Sitamarhi

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Awadhesh Kumar @ Abhadhesh Kumar Son of Late Rampratap Singh
Resident of Village - Kapraul, Ward No. 13, P.S.- Riga, District - Sitamarhi
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate
For the Opposite Party/s : Mr. Pronoti Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-04-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
14.02.2026 in connection with Sitamarhi P.S. Case No. 98 of
2026 for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Amendment Act.

3. The prosecution story, in brief, is that informant
Chandrabhushan Shukla, on 13.02.2026, received
information that two individuals Krishna Sharma and Awadhesh
Kumar had stockpiled a large quantity of "English liquor" and
were engaged in its sale and purchase in connection with the
upcoming Holi festival. It was further reported that both
individuals had arrived on a "Rider" model motorcycle
(Registration No. BR30AJ- 4928) and intended to load the
liquor onto the vehicle to conceal it elsewhere;
Acting upon this intelligence and after duly informing my
superior officers regarding the matter-Informant departed from



the police station at approximately 13:10 hours, accompanied by Constable-284 Awadhesh Kumar and Constable-41 Mangru Ram, for the purpose of verifying the information and taking necessary action. Upon location at reaching the aforementioned approximately 13:15 hours, observed the two individuals extracting items from cardboard cartons and packing them into carry-bags. Upon sighting the police, they attempted to flee; however, with the assistance of the force, both individuals were successfully apprehended. When questioned regarding their identities and addresses, the first individual identified himself as Krishna Sharma (son of Pawan Kumar Sharma, residing at Old Exchange Road, Laheripatti, Ward No. 11, P.S. & District Sitamarhi), while the second identified himself as Awadhesh Kumar (son of the late Rampratap Singh, residing at Kaprail, Ward No. 13, P.S. Riga, District Sitamarhi). Furthermore, when questioned regarding the contents of the cartons and carry-bags, they admitted they that liquor." Subsequently, a contained "English was formal search conducted in strict adherence to the prescribed rules. According to the seizure list, the items recovered included one black TVS Raider motorcycle (Reg. No. BR30AJ-4928) and, stored within various cartons of different liquors amounting to a total of 236.73 liters of English liquor.



Additionally, a sky-blue Vivo smartphone (IMEI 1: 865825071595617; IMEI 2: 865825071595808; Mobile No.: 9905024800) was recovered from the right pocket of Krishna Kumar's trousers; and a blue Redmi mobile phone (IMEI 1: 865223055844238; IMEI 2: 865223055844247)-containing a Jio SIM card (Mobile No.: 6201063121) and an Airtel SIM card (Mobile No.: 7481089537) was recovered from the right pocket of Awadhesh Kumar's trousers. These items were duly seized following the preparation of a formal seizure list, upon which both witnesses affixed their respective signature. Hence FIR registered.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and it appears from the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner and recovery has been made from the place of occurrence and altogether 236.73 liters of foreign liquor was recovered from the motorcycle in question. Learned counsel for the petitioner submits that petitioner has no concern at all with the alleged liquor or the motorcycle in question and from bare perusal of the seizure list it appears that seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023



and the petitioner is in custody since 14.02.2026.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and except the suicide note which was forwarded to the mobile phone of the police officer no other cogent material has come during the course of investigation to suggest the involvement of petitioner in the present occurrence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Sitamarhi or concern court in connection with Sitamarhi P.S. Case No. 98 of 2026, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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