

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25422 of 2026

Arising Out of PS. Case No.-94 Year-2026 Thana- NAUTAN District- West Champaran

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Avinash Yadav @ Avinash Kumar Yadav, Aged about- 28 years, Gender-Male,
Son of Ramashankar Yadav, Resident of Village - Shivrajpur, Ward No. 16,
P.S. - Nautan, District - West Champaran, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mayank Mohan, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 22-04-2026 Heard Mr. Mayank Mohan, learned counsel

appearing on behalf of the petitioner and Mr. Md. Nazir Ansari,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Nautan P.S. Case No. 94 of 2026 registered for the offence
punishable under Section 30 (a) of the Bihar Prohibition and
Excise Act as amended up-to-date.

3. Allegation is of recovery of 53.6 litres of illicit
liquor from a plastic sack allegedly thrown by the petitioner
near the Shivrajpur canal.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has been falsely implicated
in the present case. Petitioner has no concern with the alleged



seized liquor nor he is involved in trade or consumption of illicit liquor in any manner. The recovery was made from near the Shivrajpur canal, which is an open place and easily accessible to anyone. On these grounds, petitioner seeks to be released on pre-arrest bail.

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

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that the recovery of 53.6 litres of illicit liquor was made from near the Shivrajpur canal, which is an open place and easily accessible to any one and also the fact that the State has failed to implement its liquor policy in its true spirit, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, 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 District Court where the case is pending, in connection with Nautan P.S. Case No. 94 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify



the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

8. If the petitioner is again found to be involved in any case instituted under Section 30 of the Bihar Prohibition and Excise Act, the Superintendent of Police must direct the Investigating Officer concerned to take the petitioner into custody in accordance with law.

9. The present bail application is disposed of.

(Purnendu Singh, J)

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