

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42189 of 2026**

Arising Out of PS. Case No.-221 Year-2026 Thana- Excise P.S. District- Madhubani

1. Ram Kumar S/o Rajendra Prasad Sah @ Rajendra Sah Resident of Village- Laheriyaganj, P.S - Madhubani, District- Madhubani
2. Avinash Kumar S/o Shambhu Thakur Resident of Village- Laheriyaganj, P.S - Madhubani, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      01-07-2026                      Heard learned counsel for the petitioners and learned  
APP for the State.

02. In the present case, the petitioners seek bail in connection with Madhubani Sadar Excise P.S. Case No. 221 of 2026 registered for the alleged offences under Sections 30(a) and 30(d) of the Bihar Prohibition & Excise Act, 2016.

03. As per prosecution case, police received secret information about petitioners making and selling illicit foreign liquor. A raid was conducted at the identified place and the petitioners were apprehended and from the bags seized from the spot, recovery of 500 pieces of cap of McDowell's No. 1 brand, wrappers of McDowell's No. 1 and Royal Stage brands and 1.5



liters of liquor apart from 115 pieces of empty bottles of different brand was made and the petitioners were arrested.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioners. Seizure list was prepared in violation of Sections 103 and 105 of BNSS. Learned counsel further submits that the petitioners have no concern with the place from where recovery has been shown and it is an open place accessible to all. The petitioners are having clean antecedent and they are in custody since 30.05.2026.

05. Learned APP for the State opposes the submission made on behalf of the petitioners.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the nature of recovery and period of custody of the petitioners, they are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court, Madhubani/court concerned in connection with Madhubani Sadar Excise P.S. Case No. 221 of 2026, subject to the conditions mentioned in Section 480(3) of BNSS



and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

Ashish/-

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