IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49067 of 2026

Arising Out of PS. Case No.-436 Year-2026 Thana- GARDANIBAG District- Patna

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Tinku Kumar @ Tinku Gaund S/o Ranjeet Prasad R/o Villge - Vishnupuri, P.S. - Gardanibag, Dist. - Patna. ... ... Petitioner/s

Versus

The state of Bihar ... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Abhishek Rai, Advocate
For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

3 20-08-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Gardanibagh P.S. Case No.436 of 2026, dated 22.05.2026, registered for the offences under Sections 30(a) of Bihar Prohibition and Excise Act.

3. As per the FIR, altogether police recovered 5 liters of country made liquor from the house of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the instant case solely on the basis of secret information. There has been no recovery from the constructive possession of the petitioner, and he is in no manner connected with the seized liquor. The alleged recovery has been made from the house of the petitioner, which is a joint property and is not exclusively in his possession. Learned counsel further submits that the petitioner undertakes to cooperate with the investigation. Learned counsel

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fairly submits that the petitioner has one criminal antecedent akin to the instant case, in which he is already on bail.

5. Learned APP for the State opposes the prayer for grant of anticipatory bail.

6. Regard being had to the submissions made by the parties and taking into consideration the fact that the illicit liquor has not been recovered from the conscious or constructive possession of the petitioner, rather the same has been recovered from the house of the petitioner, which is a joint property, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the Court below 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 learned Special Judge- Bihar Prohibition & Excise-I, Patna, in connection with Gardanibagh P.S. Case No.436 of 2026 subject to the condition as laid down under Section 482(2) of the BNSS, 2023.

(Ajit Kumar, J)

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