

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12022 of 2025

Arising Out of PS. Case No.-274 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

Md. Ainul Haque S/o Tajail @ Md. Tajail R/o Village - Kutti Hasali Jageli,
P.S.- Srinagar, District- Purnea, Pin Code- 854307

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravi Shankar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending arrest in connection with Kochadhaman P.S. Case No. 274 of 2021, lodged on 01.10.2021, under Sections 272 & 273 of the Indian Penal Code and Sections 30(a), 32, 41 & 47 of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution, total recovery of 630 litres of illicit liquor has been made from a Tata pick-up vehicle, which is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that the present case has been lodged solely on the ground that the vehicle in question is registered in the name of the petitioner. It is submitted that the petitioner has categorically stated that he had already sold the said vehicle to



one Md. Mashim, and in support of this claim, an agreement for sale deed has been annexed as Annexure-2. Counsel also submits that the petitioner has a clean criminal antecedent.

5. Learned APP for the State opposes the prayer for bail and submits that, as per the said agreement, the vehicle in question was under hypothecation, and under such circumstances, the petitioner could not have legally sold the vehicle. It is further submitted that the F.I.R. contains specific allegations against the petitioner, stating that he used to purchase illicit liquor from West Bengal, get the vehicle loaded there, and transport it for sale in Kishanganj, Bihar. It has also been disclosed by the apprehended person that the petitioner has been involved in this illegal trade for the past two years.

6. In the present facts and circumstances of this case and the submissions made above as well as considering the fact that there is direct involvement of the petitioner in the present case, this Court is not inclined to grant bail to the petitioner. Therefore, the bail application of the petitioner is hereby **rejected.**

(Dr. Anshuman, J.)

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