

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27457 of 2025

Arising Out of PS. Case No.-26 Year-2023 Thana- BALUA BAZAR District- Supaul

Md. Fida Hussain @ Fida Hussain @ Fira Hussain S/O Md. Iliyaz R/O Vill.-
Paiktola, Ward no. 14, P.S.- Araria, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Naushaduzzoha, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Balua Bazar P.S. Case No. 26 of 2023, lodged under Section 30(a) of the Bihar Prohibition and Excise Act, pending before the Court of learned Exclusive Special Judge, Excise, Court No. 2, Supaul.

3. As per the prosecution, total recovery of 159 liters of nepali liquor has been made from the motorcycle 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 submits that the antecedent of the petitioner is clean. Counsel submits that the recovery of wine has not been made from the



petitioner's possession and his name has come in this case only and only by virtue of the reason that the Motorcycle was registered in his name. Counsel also submits that the said motorcycle was subject to theft in the year 2022 itself as in this regard, the indication has come during investigation in para nos. 63 and 70. Counsel submits that in this regard the Sessions Court at the time of cancellation of the bail application has categorically acknowledged that the petitioner's motorcycle was subject to theft in the year 2022. Counsel further submits that the petitioner is ready to fulfill all conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner is the owner of the vehicle. He submits that it is true that in the order-sheet, it has come that petitioner's vehicle was subject to theft in the year 2022.

6. Upon specific query from the petitioner that what is the proof that his vehicle was subject to theft in the year 2022, counsel submits that presently he has no document.

7. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.



8. However, liberty is hereby granted to the petitioner that if he surrenders before the Trial Court within a period of 6 weeks from today with proof that his motorcycle was subject to theft in the year 2022, then in that case, the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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