

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35330 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- RAJNAGAR District- Madhubani

Badre Alam S/O Md. Mohiuddin R/O Village 22DR HK Chatterjee lane
Ghusuri, P.S- Howrah, West Bengal

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav
		Mr. Vinod Kumar
		Mr. Rajesh Kumar
For the Opposite Party/s :		Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-05-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Rajnagar P.S. Case No. 36 of 2024 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, there was alleged recovery of 181.65 litre foreign liquor from the four wheeler in question bearing registration no. WB02AA7485. FIR has been lodged against owner and driver of the said vehicle.

4. Learned counsel for the petitioner orally



submits that petitioner is not named in the FIR and his name has been transpired in the present case as owner of the vehicle in question. He further submits that petitioner has sold his vehicle to Sahid Ali son of Md. Nasimuddin resident of mohalla 17 Jaya Bibi Road, Belly Howrah, west Bengal on 19.09.2019 which is prior to the alleged occurrence and copy of the document of sale vehicle is annexed at annexure-2 of the bail petition. Petitioner has no concern with the alleged recovered liquor. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Apart from that, petitioner bears no criminal antecedent. Nothing has been recovered from the conscious possession of the petitioner. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking



into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Rajnagar P.S. Case No. 36 of 2024, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Alok Kumar Pandey, J)

vashudha/-

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