

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35959 of 2025

Arising Out of PS. Case No.-22 Year-2025 Thana- DARBHANGA SADAR District-
Darbhanga

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Saddam Hussain @ Md. Saddam Hussain S/o Mahibul Haque Resident of
Village- Kazipura (Chapar), P.S.- Chapar, District- Bhubri (Assam)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Chaudhary, Adv.
Mr.Shashi Ranjan Kumar, Adv.
For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection
with Sadar P.S. Case No. 22 of 2025 registered for the offences
punishable under Sections 30(a), 38(1), 41, 41(1) of the Bihar
Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, there is alleged
recovery of 1416 liters illicit liquor from the husk kept in the
Truck bearing Registration No. AS-01RC-6947. The local
chowkidar identified the co-accused Chhote Sahani. Others
were not identified. On search, an owner-book was recovered
from the cabin of the truck in which the registration no. of the
vehicle was mentioned as AS 01RS 6947 and the name of the



owner was mentioned as Saddam Hussain (petitioner).

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated in this case. Petitioner is a businessman who runs truck in order to earn his livelihood and he had engaged one Abdul Rezzaque to drive his truck and manage the business of transportation for which he has obtained a Letter of Authority (Annexure-P2) under section 197 and 198 of the Motor Vehicles Act, 1988 and said letter of authority is valid till November, 4, 2025. Learned counsel submits that the driver of the vehicle has misused the vehicle which is not in the knowledge of the petitioner. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner bears no criminal antecedent. In the light of the 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 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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Special Judge I, Excise Act, Darbhanga in connection with Sadar P.S. Case No. 22 of 2025, subject to the conditions as laid down under section 482(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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