

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52253 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- PAHARKATTA District- Kishanganj

Rabiul S/o Tamijuddin @ Md. Tamijuddin R/o Vill- Khatiyapichla, P.S.-
Pothia, Distt- Kishanganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Adv.

For the Opposite Party/s : Mr.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2025 Heard Learned Counsel for the petitioner and
Learned A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Paharkatta P.S. Case No.47 of 2025, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution, the total recovery of 3.25 litres of *illicit* liquor have been alleged to be made from a 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 also submits that petitioner was not present on the spot and his name has been transpired only due to owner of the alleged vehicle. Counsel further submits that criminal antecedent of the petitioner is clean. He further submits that nothing has been recovered from conscious possession of the petitioner. He further submits that the said motorcycle has been taken by the



cousin of the petitioner of his personal use.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that criminal antecedent of the petitioner is clean.

6. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Exclusive Special Judge (Excise-1), Kishanganj in connection with Paharkatta P.S. Case No.47 of 2025, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

7. The Trial Court at the time of accepting the bail bond of the petitioner, shall verify the petitioner's criminal antecedents and if it is found that the petitioner has suppressed any fact regarding his/her criminal antecedents, he/she shall not be released on bail.

(Dr. Anshuman, J.)

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