

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51919 of 2025

Arising Out of PS. Case No.-115 Year-2021 Thana- KASBA District- Purnia

Mushtaque @ Md. Mushtaque Alam @ Mushtaque Alam @ Mustak @ Md. Mushtaqu Alam, S/o- Md. Karimuddin, Resident of Ward no- 11 Idgah Tola Musuria, PS- Mahalgaon District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-08-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Kasba P.S. Case No. 115 of 2021 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. On the fateful day, the police in course of patrolling intercepted Sumo Gold vehicle, without having registration number. Noticing the police party, the driver of the vehicle stopped the same and fled away. On search, 350.66 litres of illicit liquor was recovered from the vehicle.

4. Learned Advocate for the petitioner contended that the F.I.R. was registered against the owner of the vehicle, without having registration number, but during the course of



investigation it was found that the registration number of the vehicle is BR11PA 5922 and the petitioner is said to be registered owner of the said vehicle, his name has been implicated in this case. In fact, the petitioner has purchased the said Sumo Gold vehicle on finance from Shankar Motors Private Limited, but on 06.04.2018 he surrendered the vehicle, as he could not be able to deposit the EMI and thus after 06.04.2018 he has no concern with the said vehicle. The petitioner was not knowing the fact of institution of the F.I.R., thus the delay has occurred in approaching the Court. Even during the course of investigation, no material has been collected, which suggests the connection of the petitioner with the alleged recovered illicit wine. The petitioner bears fair antecedent and he undertakes that he will fully cooperate in the investigation and in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Having regard to the submissions set forth by the learned Advocate for the respective parties and taking note of the surrender certificate of the vehicle, duly attached as Annexure-2 to the bail application, as also the lack of material evidence against the petitioner, which attracts the rigors



provided under Section 76(2) of the Bihar Prohibition and Excise Act, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Purnea in connection with Kasba P.S. Case No. 115 of 2021, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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