

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59561 of 2025

Arising Out of PS. Case No.-233 Year-2024 Thana- Excise P.S. District- Kishanganj

Rizwan Ahmad S/O Shakil Ahmad R/O Mohiuddinpur, Ward No. 01, P.S.-
Kishanganj, Dist.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-09-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Kishanganj Excise P.S. Case No. 233 of 2024 for the offence under sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act lodged on 23.02.2024 by the informant, Md. Afsar Ali.

3. As per the prosecution story, the informant alleged that the Police intercepted the vehicle and recovered 1.400 liter of foreign liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that two persons were apprehended alongwith the motorcycle which included one Raj Khan. The motorcycle was handed over to the Raj Khan though he concede that the petitioner has criminal antecedent.



5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Taking into account the submissions of the parties as also that he has handed over the motorcycle to Raj Khan, admitted position is that Raj Khan was riding the vehicle when the recovery took place, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Kishanganj in connection with Kishanganj Excise P.S. Case No. 233 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his



bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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