

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54989 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- GWALPARA District- Madhepura

Md. Kiyam S/O Kamo Miya Resident of village- Sakhauri, ward No. 08,
P.O.- Ghoganpatti, P.S.- Saur Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aniket Kumar Thakur, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 27-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Gwalpara P.S. Case No. 08 of 2025 instituted under
Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, there is recovery of 50
litres of country made liquor from the motorcycle.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner was not named in the FIR. Petitioner is the
husband of the co-accused Bibi Akidan, the registered owner of
the seized motorcycle due to which his name has been
implicated in this case. Petitioner has no concern with the seized
liquor. Learned counsel submits that no incriminating article has
been recovered from the conscious possession of petitioner.



Similarly situated other co-accused has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.05.2025 in Cr. Misc. No. 34377 of 2025. Petitioner has no criminal antecedent and he undertakes to cooperate in the investigation and trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge- V-cum- Special Judge, Excise 1, Madhepura in connection with Gwalpara P.S. Case No. 08 of 2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023.

(i) 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 her bail bond by the Trial Court itself.

(ii) 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.

(iii) 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.

(Sunil Dutta Mishra, J)

Raj Ranjan/-

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