

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64303 of 2025

Arising Out of PS. Case No.-1335 Year-2024 Thana- Excise P.S. District- Kishanganj

Abdul Kudus @ A. Kudadus Kha S/O A. Gafur Kha R/O Vill.- Deshiatoli,
P.O.- Meharganj, P.S.- Bahadurganj, Dist.- Kishanganj, Bihar-855108

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mohammad Akhter Hussain, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Excise P.S. (Kishanganj) Case No. 1335 of 2024, registered for the offences punishable under Sections 30(a) and 32(3) of Bihar Prohibition and Excise Act, 2016.

3. In course of vehicle checking, two persons coming on a motorcycle bearing Regn. No. BR37AE-1219 were apprehended. In course of checking, two bottles of Whisky containing 180 ml. each were recovered from their possession.

4. Learned advocate for the petitioner submitted that the name of the petitioner has been implicated in this case only on account of he being the father of one of the co-accused and the owner of the vehicle in question. In fact, the petitioner has no concern with the crime in question and only on account of



the fact that his son was apprehended with a bottle of liquor, his name has been implicated. The petitioner was not knowing that his vehicle has ever been used by his son for any illicit purpose. Petitioner is a man of fair antecedent and he undertakes before this Court that he will fully co-operate in the proceeding of the Court. Taking note of the aforesaid fact, the motorcycle has also been released in favour of the petitioner by the order of the District Magistrate, Kishanganj.

5. Learned advocate for the State vehemently opposed the bail application and submits that the use of the petitioner's vehicle in the crime clearly speaks about his complicity.

6. Having considered the submissions set forth by the learned advocate for the petitioner and taking note of the material which *prima facie* does not attract the rigours provided under Section-76(2) of Bihar Prohibition and Excise Act, 2016, coupled with the fair antecedent and the infirmities in the search and seizure, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-II,



Kishanganj in connection with Excise Police Station (Kishanganj) Case No. 1335 of 2024 subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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