

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64426 of 2025

Arising Out of PS. Case No.-104 Year-2025 Thana- ANDHRATHARHI District- Madhubani

Md. Arif S/O Md. Mojebul Raain @ Md. Mujebal Hassan @ Mojebul Raain
R/O Ward No.-05, Village- Thadhi, Dhobiyahi Tole, P.S.- Andhra Tharhi,
Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Advocate
Ms. Madhumita, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., 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 Andhrathardhi P.S. Case No. 104 of 2025 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is of involved in trafficking of illicit liquor, the police intercepted a motorcycle, bearing registration no. BR 32AY 4331, however, noticing the police party, the person, who was sitting on the motorcycle succeeded in fleeing away. In course of search, total 1.5 litres of Indian made foreign liquor was recovered.

4. Learned Advocate for the petitioner submitted that the petitioner has nothing to do with the vehicle, in question,



however, only on account of one criminal antecedent of identical nature, the name of the petitioner has been implicated in this case without there being any cogent material. There are various other infirmities in the search and seizure, coupled with the non-compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

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

6. Regard being had to the submissions advanced on behalf of the learned Advocate for the respective parties, as also the materials available on record, which do not attract the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, coupled with the infirmities in the search and seizure, 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) Jhanjharpur, Madhubani in connection with Andhrathardhi P.S. Case No. 104 of 2025, 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)

uday/-

U		T	
---	--	---	--

