

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63850 of 2025

Arising Out of PS. Case No.-12 Year-2023 Thana- KANTI District- Muzaffarpur

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Nishar Ahmad @ Nesar Ahmad @ Sohail Son of Phool Babu @ Neyaj
Ahmad R/O Village- Rampurwa, P.S.- Baruraj, Distt.- Muzaffarpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.

For the Opposite Party/s : Mrs.Gulnar Begum, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Kanti P.S. Case No. 12 of 2023, registered for the offences under Section 30(a), 32(i)(ii), 36, 41 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, police received information about petitioner and other co-accused persons distributing a consignment of illicit liquor. A raid was conducted but the petitioner and other co-accused persons fled away on seeing the police party. Recovery of 418.11 liters and 160.125 liters of Indian made foreign liquor was made from two vehicles parked at that place, respectively.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that nothing incriminating has been recovered from person or possession of the petitioner. The name of the petitioner came up in this case on the basis of statement of informer of the police and except for that there is no material against the petitioner. The petitioner is in custody since 05.08.2025 and he has antecedent of two cases.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown the conscious possession of the petitioner and further considering his period of custody, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. II, Muzaffarpur/concerned court, in connection with Kanti P.S. Case No. 12 of 2023, subject to the condition laid down under Section 480(3) of the BNSS and other following conditions:



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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