

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65327 of 2025

Arising Out of PS. Case No.-173 Year-2025 Thana- Excise P.S. District- Kishanganj

Forhat Ali S/o Mojibar Rahman R/o Village- Majergaon, PS- Kokrajhar,
Distt.- Dhubri, State- Assam

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Kishanganj Utpad P.S. Case No. 173 of 2025 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 773.640 litre illicit liquor was recovered from Mahindra Pick up van in question and co-accused, namely, Sahadur Ali (driver) and Mainul Haque (co-driver) were apprehended from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is not named in FIR. During the course of investigation, the name of the petitioner has been transpired in this case as the owner of the alleged vehicle in question. He



further submits that petitioner is running a transport business and he handed over the said vehicle to the apprehended co-accused persons and they misused the alleged vehicle. Petitioner has no knowledge that apprehended co-accused persons are using the alleged vehicle for carrying illicit liquor. He was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is innocent and have committed no offence as alleged in the FIR and he has falsely been implicated in this case. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bear no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.



10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise – II, Kishanganj in connection with Kishanganj Utpad P.S. Case No. 173 of 2025, subject to the conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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