

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67081 of 2025

Arising Out of PS. Case No.-132 Year-2025 Thana- Excise P.S. District- Kishanganj

Md. Azad @ Azad S/o Md. Safirul R/o Village - Motibag Karbala Ward no. 5,
P.S - Kishanganj, District – Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 07-10-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehend arrest in a case registered
under Sections 30(a), 32(3) of Bihar Prohibition and Excise Act.

3. As per prosecution case, there is recovery of 16.080
litre illicit foreign liquor from the E-Rickshaw (Toto) which
belongs to the petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case being the registered owner of the seized Toto. He further
submits that no incriminating article has been recovered from
the conscious possession of petitioner. Learned counsel submits
that the said vehicle was driven by the co-accused Md. Ishaque
on the alleged date of occurrence who is relative of the
petitioner was arrested on the spot. The petitioner had no
knowledge with respect to misuse of his vehicle by the co-



accused. He further submits that except the fact that petitioner is owner of the seized vehicle, there is no material against him. Learned counsel submits that petitioner has no concern with the alleged seized liquor. He further submits that petitioner has got clean 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 aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the concerned Court 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 Court concerned in connection with Special Case No.139 of 2025 arising out of Madya Nisedh P.S. Case No.132 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023.

(Sunil Dutta Mishra, J)

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