

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67653 of 2025

Arising Out of PS. Case No.-108 Year-2025 Thana- MALAHI District- East Champaran

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Mohammad Nijamuddin Mian @ Nejamoddin Hussain S/O Mohammad Mian
Resident of Vill.- Mamrakha/Mamarajga, Bhaiya Tola, P.S.- Malahi, Dist.-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kundan Rathore Alias Kundan Kumar, Adv.
For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-09-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Malahi P.S. Case No. 108 of 2025 instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2022 lodged on 27.03.2025 by the informant, Karan Singh.

3. As per the prosecution story, the Police on information, raided the place and there is recovery/seizure of 7.200 liters of foreign liquor. The locals gave the name of this petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that he has absolutely no concern with the alleged recovery, nothing has been recovered from his conscious possession, if granted relief, he shall be diligently appearing in trial.



5. Learned APP, Mr. Bharat Bhushan opposes the prayer submitting that he has criminal antecedent though the same is not of the same nature.

6. Taking into account the aforesaid submissions of the parties as also that nothing has been recovered from his conscious possession, FIR has been lodged, he shall be diligently appearing in trial, in that background this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Malahi P.S. Case No. 108 of 2025 to the satisfaction of learned Special Judge Excise Court No.1, East Champaran, Motihari/concerned Court, East Champaran, Motihari subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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