

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70266 of 2025

Arising Out of PS. Case No.-466 Year-2025 Thana- Excise P.S. District- Kishanganj

Md Mahbub Alam S/O Md Sonili @ Md Shaunai R/O Vill.- Hardar, P.S.-
Jokihat, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-10-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Madya Nisedh P.S. Case No. 466 of 2025 for the offence registered under sections 30(a) and 32(3) of Bihar Prohibition and Excise Act.

3. As per the prosecution story, the Police intercepted two vehicles, one Mahindra XUV 500 and the other, Mahindra Scorpio and there is recovery/seizure of 194 liter beer and 179.850 liter whisky from XUV 500 while 9 liter foreign liquor has been recovered from the Mahindra Scorpio. This led to the FIR.

4. Learned Counsel for the petitioner submits that he has nothing to do with Mahindra XUV 500, rather owns the Mahindra Scorpio from which there is recovery of 9 liter beer. The



driver had taken the vehicle and the petitioner being the owner, got implicated, he has no criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that there is no such averment that he does not own the Mahindra XUV 500.

6. Learned counsel for the petitioner submits that the same be recorded that the petitioner does not own the XUV 500.

7. Considering the submissions of the parties as also that he is not the owner of XUV 500 from which huge quantity has been recovered/seized, is the owner of the Scorpio, being driven by the driver, has no criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

8. However, if it is found that both the vehicles belong to the petitioner (Mahindra XUV 500), in that background, the order passed will become infructuous.

9. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge (Excise-II), Kishanganj in connection with Madya Nisedh P.S. Case No. 466 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *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 attendance and at the end of the period, the certificate be submitted to the Court;

(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 the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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