

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83061 of 2025

Arising Out of PS. Case No.-180 Year-2024 Thana- ANDHRATHARHI District- Madhubani

Md Irshad @ Md. Irshad Mansuri, Son of Md. Ismail Nadaf @ Md. Ismail Mansuri @ Ismile, R/o Village - Kolhua Ward No. 15, P.S. - Andhrathadhi, Dist. - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 10-12-2025 Heard Mr. Hriday Narayan Harshit, learned counsel
for the petitioner and Mr. Dilip Kumar No. 1, learned APP for
the State.

2. The petitioner apprehends his arrest in connection with Andhrathadhi P.S. Case No. 180 of 2024 dated 19.12.2024 registered for the offences punishable under sections 274, 275 & 3(5) of the Bharatiya Nyaya Sanhita and section 30(a) of the Bihar Prohibition & Excise Act (in short, 'Excise Act').

3. The main submissions advanced by petitioner's counsel are that as per the prosecution story, 423 litres of country made *Nepali Soufi* was recovered from a tempo and that recovery was made in the late evening in the darkness and further, as per the prosecution, two persons were alleged to have



managed to escape upon seeing the police party and without any source of their identification, the names of the fleeing persons in the FIR were alleged to be the petitioner and co-accused Md. Gulshan and that is not sufficient to implicate one in such type of recovery particularly when it is made in darkness and here, it is also important to reveal that the petitioner's past is completely clean and he has never remained involved in such type of trafficking of liquor. It is further submitted that the petitioner is neither the owner of the alleged tempo nor the driver of the same at the time of recovery and in the light of these circumstances, the alleged offence of the Excise Act, under which the FIR has been registered, does not attract even *prima facie* against this petitioner, so, his prayer is not hit by the provisions of section 76(2) of the Excise Act. It is lastly submitted that the co-accused, namely Md. Gulshan @ Akbar Raian, carrying similar nature of allegation, has been granted the relief of anticipatory bail by a co-ordinate bench of this Court vide order dated 07.04.2025 passed in Cr. Misc. No. 14866/2025 and the trial court while rejecting the petitioner's bail prayer has not revealed any admissible incriminating evidence to show his involvement in the trafficking of the alleged liquor.



4. Learned APP for the State has opposed the prayer of the petitioner.

5. In the facts and circumstances of this case and considering the above stated submissions and mainly the petitioner’s above plea as to no admissible evidence against him showing his involvement in the trafficking of the alleged liquor and coupled with his fair and clean antecedent, this Court is inclined to accept his prayer for anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Andhrathadhi P.S. Case No. 180 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

