

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86490 of 2025

Arising Out of PS. Case No.-261 Year-2019 Thana- BAISI District- Purnia

AKHTAR RAZA Son of Md. Khurshid Alam Resident of Farsara, Dalkohla,
P.S.- Dalkohla, District - Uttar Dinajpur, West Bengal

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Nafisuzzoha Mr.Manowar Hussain Mr.Atif Iqbal
For the Opposite Party/s	:	Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 18-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Baisi P.S. Case No. 261 of 2019, F.I.R dated 13.11.2019 registered for the offences punishable under Sections 272, 273 of the IPC, 1860 and 30(a) 41 and 47 of the Bihar Prohibition and Excise Amendment Act, 2016.

3. As per the prosecution case, during midnight patrolling, at about 01:35 a.m., the police allegedly received information from senior officials that a pick-up van bearing registration no. WB-59C-1612 was coming from the Dalkhola



side towards Purnea carrying illegal liquor. Acting upon the said information, the police reached near Dangraha Bridge on NH-31 and started vehicle checking. It is alleged that at about 02:25 a.m., the said pick-up van stopped at some distance from the checking point and, on seeing the police, the driver attempted to flee but was chased and apprehended. The occupants disclosed their names as Sunil Yadav and Rakesh Paswan. Upon search of the vehicle, 88 cartons of liquor (each carton containing 12 bottles of 750 ml, totaling 792 litres) and 10 cartons of Imperial Blue liquor (each carton containing 24 bottles of 375 ml, totaling 90 litres), aggregating to 882 litres of liquor, were allegedly recovered. It is further alleged that upon personal search of Sunil Yadav, cash amounting to Rs. 10,700/- and two mobile phones were recovered. The accused persons allegedly disclosed that one Murshid Alam had instructed them to unload the liquor at the destination. On the basis of the said allegations, Baisi P.S. Case No. 261 of 2019 dated 13.11.2019 was registered against Sunil Yadav, Rakesh Paswan, Murshid Alam and the owner of the vehicle.

4. Learned counsel for the petitioner submits that the recovery is said to have been made from the pickup van bearing Registration No. WB59C-1612, which is in no way connected



with this petitioner, and also seized articles does not belongs to him. However, the name of this petitioner has transpired on the basis of confessional statement of one co-accused, namely, *Murshid Alam*. However, the police having made a search of his house in his absence nothing incriminating is said to have been found. Counsel for the petitioner fairly submits that he has two criminal antecedent, therefore, without accepting the guilt, learned counsel for the petitioner proposes to deposit Rs. 5,000/- (Rupees Five Thousand) in the welfare account of Advocate Association, Patna High Court, Patna.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and considering the aforesaid fact that recovery is said to have been made from the pickup van, which is in no way connected with this petitioner and his name is transpired in this case, nothing is recovered either from the house or his constructive possession, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.



7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court-01, Purnea in connection with Baisi P.S. Case No. 261 of 2019 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023, and on production of the receipt showing deposit of Rs. 5,000/- (Rupees Five Thousand) as proposed on behalf of the petitioner.

(Ajit Kumar, J)

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