

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86007 of 2025

Arising Out of PS. Case No.-162 Year-2025 Thana- TRIVENIGANJ District- Supaul

Md. Murshid S/o- Md. Aarif R/v- Mirganj, PS- Jogbani, Dist-Araria
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-12-2025 Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Triveniganj P.S.Case No.162 of 2025, S.T. Ex. 306 of 2025, registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, total 497.4 ltr. illicit liquor has been recovered from a Scorpio Car bearing Registration No.BR27P0762 allegedly belonging to the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case. Admittedly, at the time of the alleged seizure and recovery of illicit liquor, petitioner was not present and he has been made accused in this case, being the



owner of the vehicle in question, which was given by the petitioner to one Pradeep Kumar to run the vehicle on monthly basis and the same was being driven by him at the time of said incidence and as such, the petitioner had no idea that he was carrying liquor on the said vehicle. Petitioner has clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the fact that at the time of the alleged seizure and recovery of illicit liquor, petitioner was not present and he has been made accused in this case, being the owner of the vehicle in question, which was given by the petitioner to one Pradeep Kumar to run the vehicle on monthly basis and the same was being driven by him at the time of said incidence and as such, the petitioner had no idea that he was carrying liquor on the said vehicle. Petitioner has clean antecedent. I am of the opinion that petitioner has prima facie made out a case to be released on pre-arrest bail.

7. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the



learned district court within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Supaul in connection with Triveniganj P.S.Case No.162 of 2025, ST Ex- 306 of 2025, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./Section 482(2) of BNSS.

8. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

9. The Superintendent of Police concerned is directed to submit his report in respect of the vehicle in question on the basis of its ownership, registration number, engine number and chassis number. The report must be sent to the Chief Secretary, Government of Bihar and the Director General of Police (D.G.P.), Bihar, giving reason, as to why, he has failed to implement prohibition within his jurisdiction.

(Purnendu Singh, J)

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