

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89707 of 2025

Arising Out of PS. Case No.-78 Year-2024 Thana- KHIRHAR District- Madhubani

Md. Ishlam S/O Md. Atavul Resident of Village- Kataiya, P.S.- Basopatti,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv.
For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Khirhar PS. Case No. 78 of 2024 dated 15-08-2024, instituted
under Sections 274, 275 and 317(5) of the Bhartiya Nyaya
Sanhita and Section 30(a) of the Bihar Prohibition and
Excise Act.

3. The allegation is of recovery of 20.250 liters of
illicit Nepali liquor from a motorcycle bearing Registration No.
BR-32AU-2142 and the driver of the said motorcycle, namely
Md. Daud was apprehended at the spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. It is further submitted that no incriminating article



has been recovered from the conscious possession of the petitioner; rather, the alleged liquor was recovered from the motorcycle bearing Registration No. BR-32AU-2142. It is next submitted that the petitioner is the *bona fide* owner of the seized motorcycle. It is further submitted that the apprehended person, namely Md. Daud, is a friend of the petitioner, who had taken the petitioner's motorcycle on the pretext of urgent work. The said Md. Daud misused the motorcycle for the alleged illegal activity, without the petitioner's consent or knowledge. The petitioner had no knowledge of the alleged illegal act of the apprehended person and has no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum- Special Judge Excise Act, Madhubani, in Khirhar PS. Case No. 78 of 2024, corresponding to GR No. 1145 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya



Nagarik Suraksha Sanhita 2023.

(Khatim Reza, J)

shyambihari/-

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

