

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9051 of 2026

Arising Out of PS. Case No.-124 Year-2025 Thana- PUWAKHALI District- Kishanganj

Uttam Basak @ Uttam Son of Dahalu Basak R/o Village - Kharudah Basak
Tola, P.S. - Pauwakhali, District Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Opposite Party/s : Mrs. Pronoti Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Pauwakhali P.S. Case No. 124 of 2025, giving rise to Special Case No. 1094 of 2025 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 2.500 litre illicit foreign liquor was recovered from the motorcycle in question and local *chaukidar* disclosed the name of the petitioner as he is owner of the motorcycle in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the F.I.R. and he has falsely been implicated in this case. He further submits that petitioner was not found at the place of occurrence and nothing has been recovered from the conscious possession of the petitioner. The name of the petitioner has transpired only on the basis that he is the registered owner of the motorcycle in question. He further submits that petitioner had no knowledge regarding carrying of illicit liquor in the said vehicle and the same has been misused by someone. There is no specific allegation showing participation of the petitioner in the alleged occurrence. Seizure list has not been prepared as per law and there is complete violation of Section 103 of the BNSS. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of the Bihar Prohibition and Excise Act. Apart from that, petitioner having no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that the alleged recovery has been made from the motorcycle of the petitioner and he cannot escape from the allegation made in the F.I.R.

6. Considering the facts and circumstances of the case, petitioner was not found at the place of occurrence,



nothing has been recovered from the conscious possession of the petitioner, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-II, Kishanganj in connection with Pauwakhali P.S. Case No. 124 of 2025, giving rise to Special Case No. 1094 of 2025, subject to the conditions as laid down under Section 482(2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

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