IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9354 of 2026

Arising Out of PS. Case No.-936 Year-2024 Thana- Excise P.S. District- Nawada

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Najim Ansari @ Raju Mian @ Md. Najim Ansari Son of Javed Ansari Resident of Village- Dhodhakala, P.S.- Domchanch, District- Koderma, Jharkhand

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

2 17-02-2026 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in connection with Nawada Excise P.S. Case No. 936 of 2024 dated 31.12.2024 registered for the offences punishable under Sections 30(a) and 47 of the Bihar Prohibition & Excise Act (in short ‘Excise Act’).

3. The main submissions advanced by the petitioner’s counsel are that, as per the case of the prosecution, 16.50 litres of foreign liquor were recovered from a motorcycle being ridden by two persons, namely, Subhash Kumar and Sanjay Saw, who were apprehended at the spot at the time of recovery, however, it is not the case of the prosecution that the petitioner was found or seen with them and managed to escape, or that a third person was present with the apprehended accused, it is, therefore, an admitted position that the petitioner was not with the apprehended accused, and the basis of implicating him as an accused is merely the disclosure made by the apprehended co-accused, with whom the petitioner has no good relation on account of being co-villagers, in this regard, a specific statement has been made in paragraph 9 of the petition further, the statement of the apprehended co-accused, falling within the purview of their confessional statement, has no evidentiary value. It is further submitted that the alleged motorcycle does not belong to the petitioner; hence, the alleged offences punishable under the Excise Act, under which the FIR has been registered, do not attract even *prima facie* against the petitioner and therefore, the prayer for anticipatory bail of the petitioner is not hit by the provisions of Section 76(2) of the Excise Act. It is lastly submitted that although there is a criminal antecedent against the petitioner relating to an offence under the Excise Act, in that case the petitioner was made an accused merely on the basis of a confessional statement, however, he is on bail in that case.

4. Though learned APP has opposed the prayer for bail of the petitioner but fairly accepts that only two persons were found on the alleged motorcycle with the alleged wine and were apprehended at the spot, and the name of the petitioner came to light in the disclosure-cum-confessional statement of the apprehended co-accused, except this, there is nothing against the petitioner.

5. In the facts and circumstances of this case as well as considering the submissions as stated above, coupled with the pleas of the petitioner, this Court is inclined to grant the relief of anticipatory bail to the petitioner. 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 Nawada Excise P.S. Case No. 936 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

(Shailendra Singh, J)

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