

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9724 of 2026

Arising Out of PS. Case No.-861 Year-2025 Thana- Excise P.S. District- Kishanganj

Md Mustafa son of Md Salim Resident of village- Bghmara Ward no. 07, Ps-
Thakurganj, Dist- Kishanganj. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-02-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing on

behalf of the State.

2. The accused/petitioner apprehending his arrest in
connection with Madhya Nisedh P.S. Case No. 861 of 2025, giving
rise to Special Case No. 878 of 2025 registered for the offences
punishable under Sections 30(a) and 32(3) of the Bihar Prohibition
and Excise Act.

3. The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 26 litres of IMFL/country made liquor from scooty.

4. Learned counsel appearing on behalf of the petitioner
submitted that implication of this petitioner is only for the reason
that he is the registered owner of the alleged scooty from where
recovery of alleged illicit liquor was made. It is submitted that



petitioner is a man of clean antecedent.

5. Learned APP opposed the prayer of bail.

6. Considering the aforesaid facts and circumstances as recovery of illicit liquor *prima facie* not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-II, Kishanganj/concerned Court, where the case is pending in connection with Madhya Nisedh P.S. Case No. 861 of 2025, giving rise to Special Case No. 878 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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