

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17696 of 2026

Arising Out of PS. Case No.-417 Year-2025 Thana- KAHALGAON District- Bhagalpur

Mofijuddin Ansari Son of Abdul Halim R/o Village - Sirsa Bachcha,
Mirzachowki, Sahebganj, Jharkhand. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baijnath Sah, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 25-03-2026 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Excise Kahalgaon P.S. Case No.417 of 2025 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2016.

3. As per the prosecution case, 214 liters of country made foreign liquor is said to have been recovered from the auto-rickshaw of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and is in no way connected with the seized liquor. It is further submitted that the recovery was made from an auto-rickshaw belonging to the petitioner; however, as a matter of fact, the said vehicle had been given to the co-accused, Tabrez Ansari, for earning his livelihood on a daily basis, and he was apprehended by the police at the spot. There has been no recovery of liquor from the conscious or constructive possession



of the petitioner. Lastly, it is submitted that the petitioner has no criminal antecedents.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and the petitioner has clean antecedent, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Bhagalpur, in connection with Excise Kahalgaon P.S. Case No.417 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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