

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16093 of 2026

Arising Out of PS. Case No.-353 Year-2025 Thana- SAHEBPUR KAMAL District-
Begusarai

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Md. Kurban @ Md. Qurban Son of Md. Ishak @ Mau Ishak Resident of
Village- Bari Ballia, ward no. 03, (Bari Ballia Uttari), P.S.- Ballia (Balliya),
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Sandip Kumar Gautam, Advocate
For the Opposite Party/s : Mr.Raj Kishor Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 11-03-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Sahebpur Kamal P.S.
case No. 353 of 2025 instituted for the offences under Sections
30(a), 32(1), 32(2) and 41 of the Bihar Prohibition and Excise
Act.

3. The prosecution case, in short, is that 423 liters
liquor was recovered from pick-up vehicle and the petitioner
was arrested on spot.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered



from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is further submitted that the petitioner is owner-cum-driver of the vehicle in question and he had no knowledge regarding nature of goods booked by the transporter which was kept in the vehicle. The petitioner is in custody since 23.12.2025 and has got no criminal antecedent. There is no compliance of Section 103 of B.N.S.S., 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, clean antecedent and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail, ***after framing of charge, if not already framed***, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sahebpur Kamal P.S. case No. 353 of 2025 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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