

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17655 of 2026

Arising Out of PS. Case No.-188 Year-2025 Thana- SIKTA District- West Champaran

Md. Hadis Alam @ Hadis Gaddi S/O Ekbal Gadi Resident of village -
Dhakahi, P.S- Gopalpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sujeet Kumar, Adv.

For the Opposite Party/s : Mr.Khurshid Anwar, 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 is apprehending his arrest in connection with Sikta P.S. Case No. 188 of 2025 for the offence punishable under sections 274, 275 of the BNS and section 30(a) of the Bihar Prohibition and Excise Act, lodged on 23.12.2025 by the informant.

3. As per the prosecution case, there has been recovery of 96.100 litres of illicit Nepali liquor from the western railway line of Bardahi Village.

4. Learned counsel for the petitioner submits that the recovery of illicit liquors has been made from the western railway line of Bardahi Village which is an open place accessible to all. It has next been submitted that the name of



this petitioner has cropped up in this case on the confessional statements made by the apprehended co-accused, namely, Ravi Sah. No incriminating article has been recovered from the constructive possessions of the petitioner. It has further been fairly submitted that though the petitioner has got four criminal antecedents of similar nature but he is on bail in all those cases. He further submits, by referring the judgment as rendered by the Hon'ble Apex Court in the case of *Ayub Khan v. The State of Rajasthan* passed in *Criminal Appeal @ Special Leave Petition (Crl.) No. 10587 of 2023* that presence of antecedents may not come in the way of consideration of grant of anticipatory bail. As such, this petitioner prays that in view of the judgment of the Hon'ble the Apex Court, the petitioner's case may be considered for grant of the privilege of anticipatory bail.

5. Learned APP vehemently, opposes the prayer for anticipatory bail of the petitioner by submitting that the petitioners has got four criminal antecedents of similar nature, he does not deserve the privilege of anticipatory bail.

6. Considering the nature of allegation and the recovery having been made from an open place accessible to all, nothing incriminating has been recovered from the constructive possession of the petitioner and above all taking note of the judgment as rendered by the Hon'ble Apex Court in the case of



Ayub Khan v. The State of Rajasthan passed in *Criminal Appeal @ Special Leave Petition (Crl.) No. 10587 of 2023*, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned *Exclusive Special Judge, Excise Court-II, Bettiah, West Champaran* in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no
(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to



take steps for cancellation of his/their bail bonds.way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;
(iv) the petitioner(s) shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/their bail bonds.

(Ajit Kumar, J)

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