

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21636 of 2026

Arising Out of PS. Case No.-211 Year-2024 Thana- Excise P.S. District- Kishanganj

Md. Amim Alam S/o- Irfan R/v- Mankol, Po- Jageli Ps- Sri Nagar Dist-
Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate
For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-04-2026 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Kishanganj Excise P.S. Case No. 211 of 2024 for the offence under sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act lodged on 20.02.2024 by the informant, Amar Prasad Kharwar.

3. As per the prosecution story, the Police intercepted the following vehicles:

- “(i) a motorcycle (bearing no. WB10C4627)*
and recovered/seized 350 ml of foreign liquor;
- (ii) a motorcycle (bearing no. WB72AA1121)*
and recovered/seized 1.875 liter of foreign liquor and
whiskey;
- (iii) a Suzuki Desire (bearing no. BR11AX-*



6675) and recovered/seized 0.555 ml of foreign liquor and whiskey. This led to the FIR.”

4. Learned counsel for the petitioner submits that he owns the four wheeler and the recovery is 0.555 ml of foreign liquor, he do not have any criminal antecedent and the vehicle was handed over to Zeeshan Akhtar who was driving it and got arrested.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that he is the owner of the vehicle.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from his conscious possession and he do not have any criminal antecedent, in that



background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal antecedent, the present order shall become infructuous.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four 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-II, Kishanganj in connection with Kishanganj Excise P.S. Case No. 211 of 2024 subject to the following conditions:

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

(ii) the petitioner shall be appearing before the Police Station as and when required for cooperating in the investigation;

(iii) the petitioner 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 bail bond by the Trial Court itself;



(iv) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(v) the petitioner shall in no 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;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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