

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27627 of 2026

Arising Out of PS. Case No.-322 Year-2025 Thana- Excise P.S. District- Katihar

Moinul Haque @ Moinul Haq S/o- Majid Alam R/Vill- Kharia, P.S.- Korha,
Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Soni, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-07-2026 Heard learned Advocate for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Katihar Excise P.S. Case No.322 of 2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case is that, during routine patrolling, the police intercepted a white colour Mahindra Bolero Max Pick-up bearing Registration No. BR-11-GE 8771 and apprehended its driver. Upon search, a total of 480 litres of beer and 269.640 litres of Indian Made Foreign Liquor (IMFL) were allegedly recovered from the vehicle. During interrogation, the apprehended driver disclosed that the consignment had been handed over to him by co-accused Meghan Kumar.



4. Learned Advocate for the petitioner submitted that the name of the petitioner has been implicated by virtue of he being the registered owner of the vehicle in question. It is contended that, apart from such ownership, no material whatsoever has surfaced during the course of investigation to indicate the petitioner's involvement in the alleged offence. It is further submitted that, although the petitioner was the registered owner of the vehicle, he had failed to pay the instalment(s) due under the loan agreement and, consequently, had executed an agreement to sell the vehicle in favour of one Gopal Singh on 04.09.2025. Since the execution of the said agreement, the vehicle had remained in the possession and control of the proposed purchaser, the petitioner had no concern with its operation or use.

5. Learned Advocate for the petitioner further contended that, in the absence of any material collected during the investigation connecting the petitioner with the alleged offence, the embargo contained under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 is not attracted. He also tendered an unconditional apology for the incorrect statement made in paragraph-3 of the anticipatory bail application regarding the petitioner's criminal antecedent, explaining that,



due to a communication gap, it had been erroneously stated that the petitioner had no criminal antecedent, whereas he, in fact, had one criminal antecedent, which came to light pursuant to the criminal antecedent report called for by this Court vide order dated 29.04.2026.

6. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the recovery of a huge quantity of illicit liquor from the vehicle, of which the petitioner is the registered owner, clearly indicates his complicity in the commission of the offence and, therefore, he does not deserve the privilege of pre-arrest bail.

7. Having regard to the submissions made on behalf of the parties and taking note of the fact that the vehicle in question was being driven by another person who had disclosed that the consignment had been supplied by co-accused Meghan Kumar, besides no other material had been collected during the course of investigation to establish the complicity of the petitioner in the alleged offence as also the agreement to sell, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount



each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Katihar in connection with Katihar Excise P.S. Case No.322 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

8. However, since the petitioner had failed to disclose his criminal antecedent in paragraph 3 of the bail application, this Court directed him to deposit a cost of ₹5,000/- with the District Legal Services Authority, Katihar, as a condition for the grant of anticipatory bail.

(Harish Kumar, J)

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