

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28027 of 2026

Arising Out of PS. Case No.-97 Year-2026 Thana- MADHUBAN District- East Champaran

Kutubuddin Ansari Son of Islam Ansari Resident of village - Sarauna, P.S.-
Parauna, District - Kushi Nagar (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Harsha Shashwat

For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 11-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 319(2), 318(4), 338, 336(3), 340(2), 339, 3(5) of the B.N.S. and Section 30(a), 41(1) of the Bihar Prohibition and Excise Act.

3. Perusal of the first information report and the seizure list, would go to show that 441.9 liters of foreign liquor is said to have been recovered from the Scorpio vehicle and the petitioner is the driver of the said vehicle.

4. It is submitted by learned counsel for the petitioner that there is no recovery from the physical and conscious possession of the petitioner. It is submitted that the petitioner is only a driver of the said vehicle and he had no knowledge whatsoever about the presence of any liquor in the said vehicle. It is further submitted that the mandatory provisions of search and seizure have been violated as there is no independent witness to



the seizure list. The petitioner is languishing in judicial custody since 26.02.2026 and charge sheet has already been submitted.

5. Learned APP for the State opposes the prayer for bail on the ground that the petitioner has two criminal antecedents. However, the said cases are not of similar nature and the petitioner is on bail in said cases.

6. Taking into consideration the facts and circumstances and also considering the violation of mandatory provisions of search and seizure and the charge-sheet has been submitted, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Madhuban P.S. Case 97 of 2026, subject to the conditions:

(i) One of the bailors will be a family member/close relative.

(ii) The petitioner shall cooperate in the investigation/trial.

(Soni Shrivastava, J)

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