

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33967 of 2026

Arising Out of PS. Case No.-332 Year-2025 Thana- Excise P.S. District- Saran

Md. Azad S/O Md. Akbar Resident of Ward No. 14, Village- Marwan Khurd,
P.S- Karja, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhu Mala Kumari, Adv.
For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 21-05-2026 Heard the learned counsel for the petitioner and

learned Additional Public Prosecutor for the State through

virtual mode.

2. The petitioner is apprehending his arrest in
connection with Sadar Excise P.S. Case No. 332 of 2025
registered under Section 30(a) and 32(3) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, altogether 224.640 liter
of illicit foreign liquor has been recovered from a tempo.

4. Learned counsel for the petitioner submits that



petitioner is innocent, has committed no offence and has falsely been implicated in the present case. It is submitted that the petitioner is owner of the seized tempo bearing no. BR06GC-2231, which was given to Md. Imran on monthly rent of Rs. 9,000/-. It is next submitted that the driver Md. Imran was handed over the aforementioned tempo and police apprehended him along with Dilshad Ali and they have already been granted regular bail by a Co-ordinate Bench of this Court vide order dated 19.01.2026 passed in Cr. Misc. No. 2451 of 2026 in which they have denied that they were the driver of tempo bearing no. BR06GC-2231. This fact has been pointed out by the learned APP during course of consideration.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances and that the so called driver Md. Imran was the factum of their being arrested by the police from the spot with seized article has not been denied and it is the case of the petitioner that the said tempo was given to Md. Imran on monthly rent of Rs.9,000/-, this Court is inclined to grant the privilege of anticipatory bail to the petitioner.

7. Let the petitioner, above named, in the event of



his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 3, Saran at Chapra in connection with Sadar Excise P.S. Case No. 332 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document/personal affidavit 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/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

(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 their bail bonds.

(Ajit Kumar, J)

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