

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35565 of 2026

Arising Out of PS. Case No.-80 Year-2026 Thana- KHAJAULI District- Madhubani

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Hasmat Ali @ Md. Hasmat Ali S/o- Badrul Haque Village- Fakram Tola PS-
Sakri Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratnakar Jha, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 21-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Khajauli P.S. Case No. 80 of 2026 registered for the
offences punishable under sections 274, 275 of the B.N.S. and
section 30 (a) of the Bihar Prohibition & Excise Act.

3. As per the prosecution story which has been lodged
on the basis of the written report submitted by the informant to
the effect that on 23.03.2026, while the informant along with
police party was on patrolling duty, at about 14.30 P.M. when
the police team reached at Village-Sukki Syphen, the informant
got secret information that illegal wine is being concealed in a
bush at village-Kasma Barar near sought of Dhawri Pul and one
person is trying to dispose of the same. Upon such information,



the informant informed the Senior officials and reached at the said place. On seeing the police party, one person tried to flee away be leaving his motorcycle and a bag. The police chased him, but he succeeded in fleeing away. Thereafter, search was made and total 225 litres of Nepali Desi wine was recovered and one motorcycle without number plate was also seized.

4. The learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence. The petitioner was not apprehend at the spot and his name transpired during the course of investigation, as the motorcycle which was seized from the place of occurrence, belongs to the petitioner. He further submits that the petitioner had sold the motorcycle in question to one Rohit Kumar Paswan on 25.02.2022 and relevant document of transfer were also executed. However, Rohit Kumar Paswan did not get transferred the said motorcycle in his name. He further submits that petitioner has got a clean antecedent.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Having heard the learned counsel for the parties and after going through the records, it appears that 225 litres of Nepali Desi liquor was recovered, however, the petitioner was



not present at the place of occurrence and his name transpired during course of investigation on the basis of said motorcycle, which belongs to the petitioner. The petitioner has got a clean antecedent. Considering the same, let the above named petitioner, in the event of arrest/surrender within a period of six weeks, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Madhubani in connection with Khajauli P.S. Case No. 80 of 2026, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 with further condition:

(i) The trial court shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedents, the court concerned shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Ritesh Kumar, J)

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