

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34023 of 2026

Arising Out of PS. Case No.-435 Year-2025 Thana- Excise P.S. District- Darbhanga

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S.K. Mustaf Manik @ Seikh Mustaf Manik Son of Ataur Manik @ Sk. Ataur Manik Resident of Village - Radhaballav Chak, P.S.- Mahadole, District - East Midnapore, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Mili Kumari, Adv.

For the Opposite Party/s : Mr.Anish Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 25-05-2026 Heard learned counsel for the petitioner and learned
APP for the State through virtual mode.

2. The petitioner is apprehending his arrest in connection with Sadar Excise P.S. Case No. 435 of 2025 registered on 05.11.2025 for the offence punishable under sections 30(a) of the Bihar Excise and Prohibition Act.

3. As per the prosecution case, there has been recovery of 846.72 litres of illicit foreign liquor, allegedly, from a Bolero Pick-up van bearing Reg. No. BR05GB-6138. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the recovery is said to have been made from a Bolero Pick-up van bearing Reg. No. BR05GB-6138 and the driver of the said vehicle, namely, Bablu Miya and one another co-accused, Sahil Ahamad were apprehended for importing the said illicit foreign



liquor. Learned counsel for the petitioner next submits that this petitioner is the owner of the vehicle and he had given it on hire basis to the driver and hence, he had no knowledge as to what was being carried out by the driver, Bablu Miya and co-accused, Sahil Ahamad. The petitioner is in no way connected with the seized articles. The petitioner is an innocent and has been implicated in this case merely on the basis that he is the owner of the bolero pick-up van and he has got no criminal antecedent.

5. Learned APP opposes the prayer submitting that the recovery of illicit liquor is said to have been made from the vehicle and the petitioner is the owner of the vehicle.

6. Considering the fact that the recovery has not been made from the constructive possession of this petitioner and he being the owner of the vehicle was not aware that it was being misused by carrying illicit liquor, he is in no way connected to the seized article and has got clean antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of six 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 Special Judge, Excise- 1st



Darbhanga in connection with aforesaid PS Case, subject to the conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document 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 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 his bail bonds.

(Ajit Kumar, J)

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