

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35378 of 2026

Arising Out of PS. Case No.-169 Year-2026 Thana- BIHAR District- Nalanda

Md. Mobassir @ Dabboo @ Mohammad Mobashir Hassan, Son of Late Md. Zeyaul Haque, Resident of Mohalla- Khankah, P.S.- Laheri, P.O. and Town- Bihar Sharif, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arsam, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-06-2026 Heard learned Advocate for the petitioner and the learned APP for the State through virtual mode.

2. The petitioner is apprehending his arrest in connection with Bihar P.S. Case No. 169 of 2026 registered for the offences under Sections 30(a), 41 and 56 of the Bihar Prohibition and Excise Act.

3. Acting on a tip off, the police conducted raid in a garage and apprehended one Md. Samir. During the course of search, total 108 litres of illicit beer has been recovered from a Swift Dzire car, bearing registration no. BR01FL7457. The petitioner is said to be the partner and mechanic of the said garage.

4. Learned Advocate for the petitioner submitted that the alleged recovery was made from a Swift Dzire car and the



petitioner has neither any concern with the said vehicle nor with the alleged illicit beer. However, only on account of the fact that the petitioner is a mechanic in the said motor vehicle garage, his name has been implicated in this case without there being any cogent material. The aforesaid position also get strengthen from the fact, the petitioner does not bear any criminal antecedent. During the course of investigation, no other material has been collected, which attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise (Amendment) Act. The petitioner undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the alleged recovery has been made from the vehicle, which was kept in the garage of the petitioner, suggesting his active complicity.

6. Regard being had to the submissions made on behalf of the parties and taking note of the fact that the petitioner is said to be a mechanic in the garage, coupled with the fact that the vehicle, in question, from which recovery has been made, does not belong to the petitioner, as also absence of the materials which attract the rigor provided Section 76(2) of



the Bihar Prohibition and Excise (Amendment) Act and the fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-V-cum- Special Judge (Excise), Nalanda at Biahrr Sharif in connection with Bihar P.S. Case No. 169 of 2026, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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