

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35616 of 2026

Arising Out of PS. Case No.-79 Year-2026 Thana- MAJORGANJ District- Sitamarhi

Md. Fiyaj A/o Mohammad Abbulesh Resident of House No.472, Ward No.-
10, Sheohar, P.S.- Sheohar, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dwij Raj

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR
ORAL ORDER

2 21-05-2026 The matter has been taken up today through video conferencing.

2. Heard learned counsel for the petitioner and learned APP for the State.

3. The petitioner is apprehending his arrest in connection with Majorganj PS Case No 79 of 2026 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act.

4. As per the allegation, 36 liters of Nepali wine was recovered from an auto rickshaw which was lying in an abandoned state.

5. Learned counsel for the petitioner has submitted that the petitioner is the owner of the seized auto rickshaw in question from which the alleged recovery has been made. It has



further been submitted that the petitioner has given the said auto rickshaw to one Jinis Rai to ply in absence of his regular driver, namely, Mohan Kumar and, hence, the petitioner was not aware as to how and under what circumstance, his auto rickshaw was lying in an abandoned state with illicit liquor. It has further been submitted that at the time of search and seizure, the said auto rickshaw was not under the control of the petitioner. It has further been submitted that no procedure prescribed under Sections 103 and 105 of the BNSS has been followed. It has lastly been submitted that the petitioner has got no criminal antecedent.

6. Learned APP for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. Heard the parties and perused the record.

8. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on his 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 concerned, Sitamarhi, in connection with Majorganj PS Case No 79 of 2026 subject to the conditions as laid down under Section 482 (2) of



the Bharitya Nagrik Suraksha Sanhita.

9. This application stands allowed.

(Praveen Kumar, J)

M.E.H./-

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