

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35344 of 2026

Arising Out of PS. Case No.-72 Year-2024 Thana- MAHESHKHUNT District- Khagaria

Md. Ashik S/o Md. Sahabaj Resident of Village - Khiribandh, P.S.-
Jagdishpur, District - Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Indeshwari Prasad Mandal, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 01-06-2026 Heard Mr. Indeshwari Prasad Mandal, learned Advocate for the petitioner and Mr. Ramesh Chandra, learned Additional Public Prosecution for the State through virtual mode.

2. The petitioner apprehends his arrest in connection with Maheshkhunt P.S. Case No. 72 of 2024, registered for the offences punishable under Sections 30(a), 32(1), 32(2), 41 of the Bihar Prohibition & Excise Act read with Section 7 of the Essential Commodities Act.

3. Acting on a tip of trafficking of illicit wine, the police conducted raid and intercepted a truck bearing registration no. BR-10G-5831 as well as other vehicles as has been disclosed in the F.I.R. In course of search, total 684 litres Indian made foreign liquor was recovered from the afore-noted truck besides a huge consignment of liquor from different vehicles.



4. Learned Advocate for the petitioner submitted that the name of the petitioner has been implicated in this case only on account of he being owner of the truck in question which vehicle has already been sold to one Dhiraj Kumar Singh, son of Ram Padarath Singh on 28.10.2023. Despite the vehicle having been sold, since the ownership of the vehicle has not been transferred in the DTO Office, the name of the petitioner has sprung up. Neither the petitioner has any connection with the present crime, nor during the course of investigation, any material has come suggesting the complicity of the petitioner. It is further contended that there is complete defiance of Sections 103 and 105 of the B.N.S.S. Moreover, the petitioner bears fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that a huge consignment of illicit liquor was recovered from the truck in question which is owned by the petitioner. Moreover, there is a clear bar under Section 76(2) of the Bihar Prohibition & Excise Act to maintain anticipatory bail.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that the name of the petitioner has been implicated in this case only on account of he being alleged owner of the



vehicle in question which is said to have been transferred in the name of one Dhiraj Kumar Singh on 28.10.2023 and to support the aforesaid contention, a copy of the sell letter dated 28.10.2023 has been placed on record as Annexure-P/2; besides, this Court also find that there is neither any compliance of Sections 103 and 105 of the B.N.S.S., nor there is any other material which attracts the rigors provided under Section 76(2) of the Bihar Prohibition & Excise Act and the petitioner bears fair antecedent, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-II, Khagaria in connection with Maheshkhunt P.S. Case No. 72 of 2024, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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