

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35175 of 2026

Arising Out of PS. Case No.-16 Year-2026 Thana- Excise P.S. District- Banka

Md. Mustkim Ansari S/o Mohamad Ali R/o Village - Chahal, P.S. -
Bhelwaghati, Dist. - Giridih(Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharendra Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Banka Excise P.S. Case No. 16 of 2026 dated 14.01.2026 registered for the offence punishable under Section/s 30(a) & 32(3) of the Bihar Prohibition and Excise Amendment Act, 2016.

3. As per the prosecution case, the police has recovered total 207 liters of illicit foreign made liquor from the vehicle bearing Regd. No. JH17Q 4668.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case solely on the ground that the seized vehicle is allegedly registered in his name. It is next submitted that the



petitioner is the owner of the vehicle bearing Regd. No. JH17Q 4668 from where recovery of seized illicit liquor is said to have been made. It is further submitted that, at the time of the occurrence, the alleged vehicle was being driven by his driver, who had been employed to drive the same, and that the vehicle had been taken by him for personal use. It is next submitted that the petitioner has in no way connected with the seized article and he came to know about the occurrence when he was informed by the driver. It is further submitted that the petitioner is a person of clean antecedent and is ready to abide by the terms and conditions in case he is granted privilege of anticipatory bail by this Court.

5. Learned APP for the State opposes the prayer for grant of anticipatory bail.

6. Having heard learned counsel for the parties and considering the fact that the vehicle, from which seized article has been made, was being driven by the driver and the petitioner is a person of clean antecedent, let the petitioner, above named, be released on anticipatory bail in the event of his arrest or surrender before the court below within a period of six weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge Exclusive Excise Court-2, Banka in connection with Banka Excise P.S. Case No. 16 of 2026, subject to the condition as laid down under Section 482(2) of the B.N.S.S. as well as the following conditions:

(i) One of the bailors should be the family member/relative/known of the petitioner(s) who shall provide official document / personal affidavit 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.

(Ajit Kumar, J)

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