

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36302 of 2026

Arising Out of PS. Case No.-76 Year-2026 Thana- RAUTA District- Purnia

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Niyaz @ Intezar Alam @ Md. Intezar Alam, Son of Anrul Hasan @ Anirul Haq Resident of Village - Mangalpur, P.S.- Rauta, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Adv.

For the Opposite Party/s : Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-06-2026 Heard learned Advocate for the petitioner and learned
APP for the State through virtual mode.

2. The petitioner apprehends his arrest in connection with Rauta P.S. Case No.76 of 2026 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Acting on a secret information that co-accused Arvind Kumar Modak, who runs a hotel, has brought Indian Made Foreign Liquor on his motorcycle for the purpose of sale, the police conducted a raid at his hotel and apprehended him. During interrogation, the apprehended co-accused allegedly disclosed the name of the petitioner as the person from whom he had purchased the said liquor. In course of search, a total of 4.140 litres of Indian Made Foreign Liquor (IMFL) was



recovered from the motorcycle of co-accused Arvind Kumar Modak.

4. Learned Advocate for the petitioner contended that save and except the disclosure made by the apprehended person, there is no iota of material suggesting complicity of the petitioner. The reason behind the false implication of the petitioner is said to be his past criminal antecedent of identical nature. The materials available on record clearly suggest that nothing has been recovered from the conscious or constructive possession of the petitioner. Thus, it is the contention of the learned Advocate for the petitioner that the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act 2016') would not be applicable in this case. There is further defiance of Section 103 of the BNSS.

5. On the other hand, learned Advocate for the State submitted that the apprehended person disclosed the name of the petitioner, besides he is carrying five criminal antecedents of identical nature.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that no incriminating material has been recovered from the conscious or constructive possession of the petitioner



suggesting his complicity in the crime as also mere criminal antecedent of a person cannot be the sole ground to decline his prayer for anticipatory bail unless there is other cogent material, besides there is defiance of mandatory provisions of search and seizure, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge (Court No.2), Purnea in connection with Rauta P.S. Case No.76 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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