

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39245 of 2026

Arising Out of PS. Case No.-218 Year-2025 Thana- BHAGWANPUR District- Begusarai

Md. Irfan @ Ijrail @ Md. Irfan Alam S/o Hasrat Alam Resident of Village -
Banwaripur, Police Station -Bhagwanpur, District - Begusarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Sarvottam Kumar, Advocate
For the State	:	Mr. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 17-06-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Bhagwanpur P.S. Case No. 218 of 2025, dated-14.07.2025, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per allegation, the Petitioner and other co-accused Md. Sameer were riding motorcycle and seeing the police they started fleeing away. However, the Petitioner was successful to flee away and one of the co-accused, Md. Sameer was apprehended and 9 liter of liquor was recovered from the bag being carried by him and as per the averment made in the confessional statement of the co-accused, it is the Petitioner who was sitting on the motorcycle along with him as a pillion rider.



4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the case against the Petitioner is based only on the so-called confessional statement of the co-accused before the police which has no evidentiary value and besides this inadmissible evidence there is no other material against the Petitioner and no prima facie case is made out against the Petitioner under the Excise Act.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of learned concerned Court below, in connection with Bhagwanpur P.S. Case No. 218 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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