

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40154 of 2026

Arising Out of PS. Case No.-74 Year-2026 Thana- Excise P.S. District- Araria

Aslam Miya @ Aslam S/O Jahir Miya R/O Village, P.O. and P.S.- Diwanganj,
District- Sunsari (Nepal).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Manisha Khushi, Advocate

For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 30-06-2026 Heard Ms. Manisha Khushi, learned counsel for the

petitioner and Ms. Sharda Kumari, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
24.02.2026 in connection with Madhnishedh P.S. Case No. 74 of
2026, F.I.R. dated 24.02.2026 for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 585 liters of illicit liquor.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. She further submits that it
appears from the F.I.R. as well as seizure list that nothing has
been recovered from the conscious possession of the petitioner
rather the recovery has been made from four motorcycles in



question and petitioner is not the owner of the said motorcycles and he has been made accused merely on the basis of suspicion. She further submits that the petitioner has no concern at all from the recovery of the illicit liquor. It appears from the seizure list that seizure list witnesses are police personnel, so there is non-compliance of Section 103/105 of the BNSS, 2023. The petitioner is in custody since 24.02.2026.

5 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that nothing has been recovered from the conscious possession of the petitioner, petitioner has clean antecedent, his period of custody and the fact there is non-compliance of Section 103/105 of the BNSS, 2023, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-II, Araria in connection with Madhnishedh P.S. Case No. 74 of 2026 subject to the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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