

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40147 of 2026

Arising Out of PS. Case No.-214 Year-2025 Thana- BASOPATTI District- Madhubani

Md. Gufran S/O Ahmad Hussain Resident of Village- Manapatti, PS-
Basopatti, Dist- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-06-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The accused-petitioner, not named in the F.I.R., is apprehending his arrest in connection with Basopatti P.S. Case No. 214 of 2025, G.R. No. 1198 of 2025 registered for the offences punishable under Sections 274, 275 of the B.N.S. and section 30(a) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to have in possession of **135 litres** of Nepali country made liquor from Honda Shine Motorcycle bearing Registration No. BR32R-7718 and engaged in illegal trade of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that the motorcycle of this petitioner was looted by one Md. Irfan, for which the mother of petitioner lodged a case which has been registered as Basopatti P.S. Case No. 77 of



2024. It is pointed out that FIR in this connection was lodged on 02.05.2024, whereas the present occurrence took place on 06.09.2025 i.e. almost after one and half year. It is submitted that admittedly recovery was not made from conscious possession of this petitioner. Explaining criminal antecedent, it is submitted that petitioner found involved in one more criminal case of different nature, in which he has already been acquitted after facing trial and, therefore, it can be safely said that petitioner is a man of clean antecedent.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions and by taking note of the fact as recovery of illicit liquor *prima-facie* not appears to be made from conscious possession of this petitioner, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Act, Madhubani/ concerned court in connection with Basopatti P.S. Case No. 214 of 2025 arising out of G.R. Case No. 1198 of 2025, subject to the conditions as laid down



under Section 438(2) of the Cr.P.C/Section 482(2) of the
Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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