

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42698 of 2026

Arising Out of PS. Case No.-458 Year-2026 Thana- Excise P.S. District- Kishanganj

1. Tajmul Ansari Son of Barku Ansari R/o Vill- City Tegharia Ward no 7, Thana- Kishanganj, District- Kishanganj
2. Mukhtar Alam @ Mukthar Alam S/o Md Talim R/o Vill- City Tegharia Ward no 7, Thana- Kishanganj, District- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-07-2026 Heard Mr. Rajeev Ranjan, learned counsel for the petitioners and Mr. Awadhesh Kumar Singh, learned APP for the State.

2. Petitioners seek bail, who are in custody since 019.04.2026, in connection with Madya Nisedh P.S. Case No. 458 of 2026, giving rise of Special Case No. 463 of 2026, F.I.R. dated 08.05.2026 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. Recovery is of 108.520 litres of *foreign* liquor.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedents and they have been falsely



implicated in the present case. He 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 petitioners rather recovery has been made from the E-Rickshaw in question and altogether 108.520 litres of foreign liquor was recovered from the E-Rickshaw in question. It appears from the seizure list that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of BNSS, 2023 and the petitioners are in custody since 19.04.2026.

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

6. Considering the facts and circumstances of the case and the fact that the petitioners having clean antecedent and nothing has been recovered from the conscious possession of the petitioners and petitioners are not the owner of the E-Rickshaw in question and there is non-compliance of mandatory provisions of the BNSS, 2023, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise-II, Kishanganj in connection with Madya Nisedh



P.S. Case No. 458 of 2026, giving rise of Special Case No. 463 of 2026, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

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(Rajesh Kumar Verma, J)

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