

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42940 of 2026

Arising Out of PS. Case No.-465 Year-2026 Thana- Excise P.S. District- Kishanganj

Abdus Subhan @ Abdul Subhan @ Abdul Subhahan Son Of Abdul Hakim
R/o Dangibari Ward no 7, Thana- Thakurganj, District- Kishanganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 02-07-2026 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Madya Nisedh P.S. Case No.465 of 2026 arising out of Special Case No. 471 of 2026 registered under Sections 30(a), 30(f), 34(b) and 32(3) of the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 4.900 litres of Codeine Syrup.

4. It is submitted by learned counsel appearing for the petitioner that the seized illicit liquor was recovered from



a Bike bearing Registration No. BR37Q-0570. It is initially submitted that the present case was instituted under the provisions of the Excise Act and not under the NDPS Act. It is further submitted that the petitioner's name has been surfaced in the present case solely on the ground that he is the registered owner of the seized vehicle, and not on the basis of any material demonstrating his conscious possession, involvement or complicity in the alleged offence. It is further submitted that seizure list also appears doubtful being not supported by independent witnesses rather than by police personnel. The petitioner has one criminal antecedent, in which, he is on bail.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released



on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-II, Kishanganj in connection with Madya Nisedh P.S. Case No.465 of 2026 arising out of Special Case No. 471 of 2026, subject to the conditions as laid down under Section 438(2) of the CrPC/under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J.)

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