

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42887 of 2026

Arising Out of PS. Case No.-228 Year-2026 Thana- GAYA KOTWALI District- Gaya

Md. Irfan @ Irfan, S/o Md. Eqbal, Resident of Mohalla- Kiranighat River Side Road, P.S.- Kotwali, District- Gaya Ji At present- Pamchayati Akhara, Neem Gali, Paschmi Sarai Road, P.S.- Kotwali, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate
For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2026 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 Kotwali P.S. Case No.228 of 2026 registered under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Allegation against the petitioner is to engage in illegal trade/manufacturing of illicit liquor, where there is recovery of 31 litres of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing for petitioner that the alleged recovery was made from a Motorcycle bearing Registration No. BR02AP-5319. It is further submitted that nothing has been recovered from the conscious possession of the petitioner. It is also pointed out that the



name of the petitioner surfaced solely on the disclosure statement made by co-accused, namely, Md. Hasnain and Md. Tanbir Alam, who were apprehended from the spot. The petitioner claimed clean antecedent.

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, who is a man of clean antecedent 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-IV, Gaya in connection with Kotwali P.S. Case No.228 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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