

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48182 of 2026

Arising Out of PS. Case No.-607 Year-2026 Thana- Excise P.S. District- Kishanganj

Md. Ashraf Ali @ Ashraf Ali son of Md. Kalam Ansari Resident Of Village-
Ruidhasa Khanquah, Ward no 23, P.s- Kishanganj, Dist- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. This application for grant of anticipatory bail arises out of Kishanganj Madya Nisedh Police Station Case No. 607 of 2026 dated 29.05.2026 disclosing offence under Sections 30(a)/32(3) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per the First Information Report, 118.48 litres of illicit liquor is said to have been recovered from a Scorpio Vehicle bearing Registration No. BR11BV-5378.

4. Learned counsel for the petitioner submits that the petitioner is the owner of the Scorpio Vehicle bearing Registration No. BR11BV-5378 wherefrom the alleged recovery of illicit liquor has been made but the said vehicle was given to



the driver, namely, Rajesh Kumar Kamti for earning livelihood. It is the case of the petitioner that during course of earning business, the driver is said to have misused the vehicle and one co-accused, namely, Prakash Kumar was arrested by the police who on his confessional statement disclosed the name of the driver and the owner of the vehicle i.e., the petitioner and the petitioner has got no concerned whatsoever with the seized articles. Learned counsel for the petitioner further submits that the driver, namely, Rajesh Kumar Tanti has been granted the privilege of anticipatory bail by the co-ordinate Bench of this Court *vide* Cr. Misc. No. 45471 of 2026 on 09.07.2026 and the petitioner has got no criminal antecedent.

5. Learned APP opposes the prayer for anticipatory bail by submitting that the petitioner is the owner of the vehicle wherefrom a huge chunk of the illicit liquor has been recovered.

6. After having heard learned counsel for the parties and taking into consideration the fact that the petitioner being the owner of the vehicle was not aware as to what was being carried in his vehicle which was given to the driver for earning livelihood and the said driver has been granted privilege of anticipatory bail by the co-ordinate Bench of this Court *vide* Cr. Misc. No. 45471 of 2026 and further the petitioner has got no



criminal antecedent, I am inclined to grant the petitioner the privilege of anticipatory bail.

7. This application for anticipatory bail is, accordingly, allowed.

8. Let the petitioner, Md. Ashraf Ali @ Ashraf Ali, in the event of his arrest or surrender before the learned trial court within six weeks, 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 learned Exclusive Special Judge, Excise-II Kishanganj, in connection with aforesaid PS Case subject to the condition laid down under Section Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/their bail bond by the Trial Court itself;

(iii) the petitioner(s) shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to



take steps for cancellation of the bail bonds;
(iv) the petitioner(s) shall
desist from committing any criminal offence
again, failing which the State shall be at
liberty to take steps for cancellation of
his/their bail bonds.

(Ajit Kumar, J)

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