**IN THE HIGH COURT OF JUDICATURE AT PATNA**
**CRIMINAL MISCELLANEOUS No.79199 of 2026**

**CNR No. BRHC011116672026**

Arising Out of PS. Case No.-91 Year-2026 Thana- AMAUR District- Purnia

==========

Md. Ismail @ Md. Isamail S/o Md. Manzoor Alam @ Manzoor Alam R/o Vill. - Raili Baluwa Toli, P.S. - Amour, District - Purnea.

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

==========

**Appearance :**
For the Petitioner/s : Mr. Avnish Kumar, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

==========

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

2 25-11-2026 Heard learned Advocate for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Amour P.S. Case No.91 of 2026 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Suspecting that certain persons were transporting illicit liquor on two motorcycles, the police party attempted to intercept them. However, upon noticing the police, the persons concerned managed to flee, abandoning their motorcycles at the spot. During the course of search, a total quantity of 11.73 litres of Indian Made Foreign Liquor was recovered from the two vehicles.

WEB COPY

4. Learned Advocate for the petitioner submits that the petitioner has neither any concern with the seized motorcycles nor any connection with the illicit liquor allegedly recovered therefrom. It is submitted that the petitioner has been implicated in the present case solely on the ground that a mobile phone belonging to him was recovered from the place of occurrence. In fact, the petitioner was also present at the said place at the relevant time, and his mobile phone accidentally fell there. Subsequently, the police, taking a clue from the recovery of the said mobile phone, implicated the petitioner in the present case. It is further submitted that the petitioner is carrying fair antecedent, which lends support to his plea of innocence. Learned Advocate also points out certain discrepancies in the manner in which the search and seizure were conducted and, in the aforesaid circumstances, contends that the statutory bar prescribed under Section 76(2) of the Bihar Prohibition and Excise Act is not attracted in the present case.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application.

6. Considering the rival submissions advanced by learned Advocates for the respective parties and taking note of the fact that no incriminating material has been recovered from

WEB COPY

the conscious or constructive possession of the petitioner, besides the fair antecedent and the lack of materials which attract the statutory prohibition to maintain the anticipatory bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, 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 Court 2, Purnea in connection with Amour P.S. Case No.91 of 2026, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioner.

**(Harish Kumar, J)**

Utkarsh.k/-

| | | | |
|---|---|---|---|
| **U** | | T | |

WEB COPY