IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80584 of 2026

CNR No. BRHC011155932026

Arising Out of PS. Case No.-488 Year-2026 Thana- DHAKA District- East Champaran

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Khushbuddin Mian @ Khushabudin Alam son of Nek Mohammad Resident of village- Fulwariya P.S.- Dhaka District -East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ujjwal Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 05-11-2026 Heard learned counsel for the petitioner and the learned APP for the State.

2. The petitioner seeks bail in connection with Dhaka P.S. Case No. 488 of 2026 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per the FIR, on secret information, a raid was conducted against illicit liquor traders and two persons namely Khushbuddin Miyan and Safaruddin Miyan were found to have concealed liquor. On reaching the spot a total of 22.5 litres of Nepali liquor was recovered.

4. The learned counsel for the petitioner submits that the petitioner has falsely been implicated and no recovery has been made from his conscious possession. It has been submitted that since the petitioner carries five criminal antecedents of similar

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nature he has falsely been implicated by the police on mere suspicion. It has also been pointed out that the petitioner is neither owner of the seized liquor nor he has any connection with the same and the procedures for seizure was not followed. It has lastly been submitted that the petitioner is in custody since 26.09.2026.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner.

6. After hearing the parties and considering the facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 03, East Champaran at Motihari in connection with Dhaka P.S. Case No. 488 of 2026, subject to the following conditions:

(i) One of the bailors will be a close relative of the petitioner;

(ii) the petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court;

(iii) in case of absence on two consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will liable to be cancelled by the Court concerned;

(iv) the Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step

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for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for purpose of the same on in the name of verification.

(v) the Court below shall verify the criminal antecedents of the petitioner registered for the offences under Section 30A of the Bihar Prohibition and Excise Act and, in case at any stage it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bonds of the petitioner. However, the acceptance of bail bonds in terms of the above mentioned order shall not be delayed for the purpose of the same or in the name of verification.

(vi) in view of the antecedents of the petitioner, the petitioner is directed to appear before the Superintendent of Police East Champaran at Motihari within fifteen days of his release with a copy of this order and every two weeks thereafter for the next nine months. The conduct of the petitioner will be kept under watch in this period by the Superintendent of Police concerned and if it is found wanting in any respect, a report shall be made to the court concerned by him to initiate a proceeding for cancellation of bail for reasons of misuse of bail. After reporting to the Superintendent of Police, a certificate will be filed by the petitioner before the court concerned.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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