

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21597 of 2025

Arising Out of PS. Case No.-143 Year-2025 Thana- Excise P.S. District- Aurangabad

Pankaj Paswan @ Pankaj Kumar S/O Lalchand Paswan @ Chandi Paswan
R/O Village- Modhokhap, P.S - Madanpur, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Dharam Shila Kumari, Adv. Mr.Ramadhar Shekhar, Adv.
For the Opposite Party/s :		Mr.Rajesh Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 18-07-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The Petitioner is apprehending his arrest in connection with in connection with Excise P.S. Case No. 143/2025 dated 06.02.2025 registered for the offences punishable u/s 30(a), 30(c), 30(d) and 36 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, total 30 litres of illicit country-made liquor, 140 litres of illicit spirit, 500 pieces of 300ml empty bottles, 250 pieces of 180ml empty bottles, 100 pieces caps and empty gallon were recovered near the bank of river.

4. Learned counsel for the petitioner has submitted



that the petitioner has falsely been implicated in this case. The petitioner has two criminal antecedents as stated in para 3 of the bail petition. It is further submitted that the petitioner has no concern with the alleged recovery rather the recovery has been made from an open place which is accessible to anyone. Nothing has been recovered from the conscious possession of the petitioner, hence no case is made out. The co-accused person has already been granted regular bail by this court vide order dated 17.04.2025 passed in Cr. Misc. No. 21028/2025. Learned Counsel has relied on the judgment of Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar reported in 2019 (2) PLJR 1089**. The Full Bench in the case of **Ram Vinay Yadav (supra)** has held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76 (2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the bar of Section 76(2) of the Act applies in this case.

6. Considering the aforesaid facts and circumstances



of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Aurangabad, Bihar in connection with Excise P.S. Case No. 143/2025, subject to conditions as laid down under section 482(2) of the B.N.S.S. with further condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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