

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27080 of 2025

Arising Out of PS. Case No.-7 Year-2025 Thana- SAMASTIPUR District- Samastipur

1. Pramod Paswan S/O Late Vishanudev Paswan R/O Village- Magardahi, Ward No.-35, P.S- Samastipur (Town), Distt.- Samastipur.
2. Bikram Paswan @ Vikram Kumar S/O Pramod paswan R/O Village- Magardahi, Ward No.-35, P.S- Samastipur (Town), Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar,Adv
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 30-06-2025 Heard learned counsel for the petitioners and the State.

2. At the outset, learned counsel for the petitioners seeks permission to withdraw the application on behalf of petitioner no. 2, namely, Bikram Paswan, with liberty to surrender and approach the learned court below for grant of regular bail.

3. The application on behalf of the petitioner no. 2 is permitted to be withdrawn. The petition only survives against the petitioner no. 1, namely, Pramod Paswan.

4. Petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise Act.

5. It would appear from the FIR and seizure list that 6.885 liters foreign liquor along with some cash and 32 mobile



phones were recovered from the house of the accused persons and one Vikky Kumar, who happens to be the son of the petitioner arrested from the spot.

6. By an earlier order dated 07.05.2025, the report had to be furnished as to why no case has been registered in respect of the seized mobile phones which was found in the premises of the accused persons along with the cash and liquor. In pursuance of the same a counter affidavit has been filed on behalf of the Superintendent of Police, Samastipur wherein it has been stated that supervising officer has given an application before the learned Session Judge cum Excise Judge on 24.04.2025 for adding section 317 (5) as well as s3(5) of BNS through memo no 904 dated 24.04.2025.

7. Learned counsel for the petitioner no. 1 submits that the no recovery has been made from conscious possession of the petitioner and his name has featured in this case only on account of the fact that he happens to be father of Vikky Kumar, who was arrested on the spot. It has also been submitted that petitioner no. 1 is in no way concerned with the seized liquor and as a matter of fact, since there is a business of scrap shop, some other old articles were also recovered.

8. Learned APP appearing for the State opposes the



prayer for bail on the ground that the petitioner is accused in three cases under the Excise Act and in all the cases petitioner is on bail.

9. Considering the aforesaid facts that the main accused Vikky Kumar is already in custody, I am inclined to grant privilege of anticipatory bail to the petitioner no. 1. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Samastipur (Town) P.S. Case No. 07 of 2025 subject to condition as laid down under Section 438(2) of the Cr.P.C, subject to the further condition that (i) One of the bailors shall be a close relative/ family member of the petitioner. (ii) The petitioner no.1 is directed to co-operate in the trial and he would make himself physically present before the Investigating officer at an interval of every 15 days till investigation is concluded against him.

(Soni Shrivastava, J)

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