

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21505 of 2025**

Arising Out of PS. Case No.-218 Year-2024 Thana- Lakho District- Begusarai

Madhav Paswan @ Kari @ Magaw Paswan Son of Rohit Paswan Village
-Power House, Ward No 31, PS -Town, District -Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, A.P.P

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-04-2025 Heard Learned Counsel for the petitioner and Learned
A.P.P for the State.

2. The petitioner is apprehending arrest in connection with Lakho P.S. Case No. 218 of 2024 lodged on 28.12.2024, for the offence punishable under Sections 30(a), 32(3) & 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against eight named accused persons including the present petitioner. Total recovery of 1458.720 litres of illicit liquor has been made which is the subject matter of the present case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that the petitioner is neither owner nor driver nor *khalasi* of the vehicle and his name has been figured in this case only by virtue of the disclosure made by the co-accused person. Counsel submits that nothing has been recovered from the petitioner's possession and therefore, no offence is made out



against the petitioner under the Excise Act. Counsel further submits that the petitioner has two criminal antecedents in which in one case, he is on bail and in another, he is acquitted. Counsel submits that the petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that huge quantity of liquor has been recovered and criminal antecedent of the petitioner is also not clean.

6. In the present facts and circumstances, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

7. It is directed to the petitioner to surrender before the Trial Court within a period of 4 weeks from today. In case, the petitioner surrenders within four weeks, then the Trial Court is directed to pass order on his surrender-cum-bail application on the same day without being prejudice that the anticipatory bail of the petitioner has been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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