

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23319 of 2025

Arising Out of PS. Case No.-406 Year-2021 Thana- SURSAND District- Sitamarhi

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Ajay Paswan Aged About 39 years Male S/o- Madan Paswan, Resident of
Village- Amghatta Road Dumra Ward No-2, P.S.- Dumra District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 30-04-2025 Heard Mr. Uday Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Khurshid Anwar, learned

APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Sursand P.S. Case No. 406 of 2021 registered for the
offence punishable under Section 30 (a) of the Bihar Prohibition
and Excise Act as amended up-to-date.

3. Allegation is of recovery of 31.5 Nepali illicit
liquor from a motorcycle bearing registration no. BR30W6726
belonging to the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has been falsely implicated
in the case due to local village politics. Petitioner has no
concern with the seized liquor nor he is involved in trade of



liquor in any manner. Petitioner has been roped in the present case as he is the owner of the motorcycle from which the illicit liquor was recovered. Allegation of fleeing away from the spot is against unknown person. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Considering the nature of allegation made in the FIR, as well as, the fact that petitioner has been roped in the present case as he is the owner of the motorcycle from which the illicit liquor was recovered and allegation of fleeing away from the spot is against unknown person, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Excise Court -02, Sitamarhi, in connection with Sursand P.S. Case No. 406 of 2021, subject to the condition as laid down under Section 482(2) of the BNSS.

7. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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