

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24626 of 2025

Arising Out of PS. Case No.-72 Year-2025 Thana- MAHNAR District- Vaishali

Ram Babu Paswan, S/o- Upendra Paswan, R/o Village- Ishakpur, P.S.
Mahnar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-05-2025 Heard Mr. Vasant Vikash, learned Advocate for the
petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Mahnar P.S. Case No. 72 of 2025 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act.

3. Allegation against the petitioner is of trafficking of illicit liquor; on a secret information the police raided the house of the petitioner and in course of search 20 litres of country made liquor was recovered.

4. There is total denial of the allegation level in the F.I.R.

5. Learned Advocate for the petitioner submitted that in fact nothing has been recovered from the house of the



petitioner, however, only on account of two criminal antecedent, as has been disclosed in para. 3 of the petition, the name of the petitioner has been implicated in this case; moreover even if for the sake of argument the allegation is accepting to be true for a moment, the alleged recovery has been made from a joint family house where several persons reside and, as such, the petitioner cannot be held to be accountable. It is further submitted that had the recovery been made from the house of the petitioner, there would have been signature of any of the family members of the petitioner, but surprisingly the seizure list witnesses are non-else but the Chaukidar, which also smacks malafide. The petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

6. On the other hand, learned APP for the State opposes the bail application and submits that apart from the recovery from the house of the petitioner, there is a bar for anticipatory bail, as provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016.

7. Regard being had to the submissions made on behalf of the parties and considering the submissions advanced on behalf of the learned Advocate for the petitioner that the house, in question, is a joint family house and the seizure list



witnesses are non-else, but the Chaukidar, which prima facie substantiate the submission of the petitioner, coupled with the undertaking that the petitioner shall cooperate in the proceeding, as also the fact that during the course of investigation no cogent material has come connecting the complicity of the petitioner with the recovered illicit liquor and, as such, rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 does not attract, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court No.-II, cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 72 of 2025, subject to the condition as laid down under 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Harish Kumar, J)

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