

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24483 of 2025

Arising Out of PS. Case No.-235 Year-2024 Thana- RAHIKA District- Madhubani

Rajesh Paswan @ Rajesh Kumar Paswan S/o Raj Kumar Paswan R/o vill - Jagat, P.O.- Kapileshwar Asthan, P.s.- Rahika, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-07-2025 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Rahika P.S. Case No. 235 of 2024 dated 26.10.2024 corresponding to G. R. No. 1506 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. As per prosecution case, total 142.200 litres of illicit Nepali country-made liquor was recovered behind the house (Badi) of the co-accused, Sunil Kumar Singh @ Sunil Singh.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in



this case. Local Chowkidar disclosed the name of the petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery. The petitioner has two criminal antecedents as stated in para 3 of the bail petition. The co-accused person has already been granted anticipatory bail by the Co-ordinate Bench of this Court vide order dated 08.01.2025 passed in Cr. Misc. No. 88290 of 2024. Learned counsel has submitted that no case is made out against the petitioner. 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 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 material available on record, let the above-named petitioner, in the event of his arrest or surrender before the learned trial court 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 learned Court concerned, Madhubani in connection with Rahika P.S. Case No. 235 of 2024, corresponding to G.R. No. 1506 of 2024 subject to the conditions as laid down under Section 482(2) of the BNSS, with a 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 bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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