

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28373 of 2025**

Arising Out of PS. Case No.-81 Year-2024 Thana- WARISNAGAR District- Samastipur

Sabhapati Paswan S/o Vino Paswan Resident of Village- Basantpur Ramani,  
P.S.- Waris Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate  
For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

ORAL ORDER

2      05-05-2025      Heard learned counsel for the petitioner and learned APP  
for the State.

2.      The petitioner seeks bail in connection with Waris Nagar PS Case No. 81 of 2024 instituted for the offences under Section 30(a) of the Bihar Prohibition and Excise Act. The petitioner's anticipatory bail was earlier rejected vide order dated 27-06-2024, passed in Cr. Misc. No. 38823 of 2024, subject to verification of criminal antecedents. Since the trial court found at least one prior case against the petitioner, the bail order was not given effect.

3.      The prosecution case, in short, is that 1026.120 liters foreign liquor was recovered from the bank of a river.

4.      Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. The petitioner has got no concern with the alleged recovery of liquor. It is submitted that recovery is from an open place, which is accessible to one and all. The petitioner is in custody since 28-03-2025 and has got one criminal antecedent. There is no compliance of Section 103 of the BNSS, 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Court below/concerned Court in connection with Waris Nagar PS Case No. 81 of 2024.

**(Rudra Prakash Mishra, J)**

Raj Kishore/-

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