

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31032 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- DIGHWARA District- Saran

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1. Shravan Kumar Paswan @ Shravan Kumar @ Shravan Paswan, Son of Vishwanath Paswan, R/o Village- Basantpur (Dighwara) P.S. -Dighwara District- Saran at Chapra
 2. Sobha Devi, wife of Sharvan Kumar @ Sharvan Kumar Paswan @ Shravan Ram, R/o Village- Basantpur (Dighwara) P.S. -Dighwara District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-05-2025 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Dighwara P.S. Case No. 23 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 118(1), 109, 132, 352, 351(2) & (3), 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. In course of patrolling, on a secret information, the police conducted raid in the house of the accused persons, however, noticing the police party, the petitioners tried to flee away, but allegedly they were apprehended by the police personnel. In the meanwhile, some unknown persons armed



with Lathi and Danda came there and entered into a scuffle with the police party and also pelted stones and taking advantage of the same, both the petitioners fled away from the place of occurrence. In course of search, total 50 litres of country made liquor was recovered from the back side of the house of Bhola Manjhi.

4. Learned Advocate for the petitioners contended that only on account of the fact that the alleged recovery has been made nearby the house of the petitioners, their names have been implicated in this case. In fact, on the fateful day, when the police conducted raid, some of the villagers started pelting stones and the petitioners were never apprehended by the police, but only on the instigation made by the local *Chaukidar*, their names have been implicated in this case. There are various other infirmities in the search and seizure, coupled with non-compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It is lastly contended that petitioner no.1 bears three criminal antecedent, out of which one relates to Bihar Prohibition and Excise Act and this might be a reason for false implication of petitioner no.1. So far as petitioner no.2 is concerned, she is a lady, having fair antecedent.

5. On the other hand, learned APP for the State



vehemently opposes the bail application and submits that apart from their active involvement in the crime, the petitioner no.1 bears three criminal antecedent.

6. Considering the submissions advanced by the learned Advocate for the parties and taking note of the fact that petitioner no.2 is a lady, having fair antecedent, coupled with the infirmities in the search and seizure and the recovery from the backside of the house of Bhola Manjhi, which part of the land does not belong to the petitioner, **let the petitioner no.2**, named above, in the event of her 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.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Saran at Chapra in connection with Dighwara P.S. Case No. 23 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

7. So far as the **petitioner no.1, namely, Shravan Kumar Paswan @ Shravan Kumar @ Shravan Paswan**, is concerned, this Court is not acceded to the prayer for grant of



anticipatory bail. Accordingly, the same stands rejected.

8. However, if the petitioner no.1 surrenders before the court below within a period of four weeks from today and prays for regular bail, the learned court below shall consider the prayer for bail without being prejudiced by the order of this Court.

(Harish Kumar, J)

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