

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27822 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- BHAGWANPUR District- Vaishali

Nageshwar Paswan S/o Murli Paswan R/o Village- Bithauli, P.S.-
Bhagwanpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Bhagwanpur P.S. Case No. 73 of 2025, registered for the offence punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2022.

3. The case of the prosecution, in short, is that on 12.03.2025, the informant was on special patrolling duty along with his police team and wandering near the Adda Chowk, received a secret information that Pankanj Paswan and Nageshwar Paswan (the petitioner) both of them are selling illegal country made liquor. They reached the place of occurrence. Upon seeing the police vehicle, two persons came out from Pankaj Paswan's house and started running away. They were chased and one person was caught by police who disclosed



his name as Pankaj Paswan. On duly search of the said house, 5 liters illegal country made liquor kept in polybag was recovered from there.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner has been implicated only on the basis of statement made by Pankaj Paswan. The petitioner has not arrested from the spot nor anything has been recovered from his conscious physical possession.

5. Learned A.P.P. for the State opposes the prayer of anticipatory bail.

6. Considering the fact that no recovery of illicit country made liquor was made from the conscious physical possession of the petitioner. The petitioner has been implicated on the basis of statement made by one co-accused Pankaj Pawan and also the fact that seizure memo is not witnessed by two independent witnesses which puts a serious question mark over the legality and validity of the seizure itself. The petitioner has clean antecedent. Under these circumstances, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, named above, in the event of his



arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court No. 1 cum Additional District & Sessions Judge, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 73 of 2025, subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

(Alok Kumar Sinha, J)

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