

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29063 of 2025**

Arising Out of PS. Case No.-51 Year-2025 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Rajan Paswan Son of Rajendra Paswan Village- Chunabhatti PS- LNMU,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Adv.
For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-05-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with LNMU P.S. Case No. 51 of 2025, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

3. The allegation against the petitioner is of involve in
trade of illicit wine. The police on a secret information
conducted raid in the house of the petitioner, however, noticing
the police party, the petitioner succeeded in fleeing away,
whereas one Aniket Paswan was apprehended. In course of
search, total 17.5 liters of Indian made foreign liquor was
recovered.

4. Learned Advocate for the petitioner taking this
Court thorough the seizure list contended that had the recovery



been made from the house of the petitioner, there would have been signature of any of the family members, but surprisingly the witnesses are none else but the police personnel and, as such, the entire seizure smacks mala fide. It has also not been disclosed from where the alleged illicit wine has been recovered, save and except it has been mentioned that the recovery has been made from the house of the petitioner. It is further contended that even if for the sake of argument, it is accepted that the same has been recovered from the house of the petitioner, but the same is a joint family house where several persons reside and for which the petitioner cannot be held accountable. In fact, the reason for false implication is his past two criminal antecedent of identical nature and further a case instituted under Section 498(A), which is a result of matrimonial dispute. It is lastly contended that be that as it may, the petitioner undertakes that he will fully co-operate in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 clearly bars the anticipatory bail; all the more when the recovery has been made from the house of the petitioner.



6. Regard being had to the submissions made on behalf of the parties and considering the infirmities in the search and seizure, coupled with the fact that the house, in question, is a joint family house and it has not been disclosed from where the recovery has been made, coupled with the undertakings and the lack of necessary ingredients, which specifically attract the provisions provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge-II, (Excise Act), Darbhanga in connection with LNMU P.S. Case No. 51 of 2025, subject to the conditions laid down in Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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