

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33600 of 2025

Arising Out of PS. Case No.-80 Year-2025 Thana- Excise P.S. District- Araria

Rajesh Paswan S/o Devan Paswan R/o Village- Bhawanipur, Ward No. 06,
Near Primary School, P.S.- Fulkaha, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY

ORAL ORDER

2 27-05-2025 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with Araria Excise P.S. Case No. 80 of 2025 registered for the offences under Section 30(a) of Bihar Prohibition & Excise Act, 2026.

3. As per the F.I.R., the S.S.B. personnel saw few motorcycles coming from Nepal side and they were intercepted. The occupant of the motorcycle tried to escape, however, one person was apprehended who disclosed his name as Rajesh Paswan (petitioner) and on search of all the three motorcycles, a total of 198 litres of Nepali liquor was recovered.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and he carries clean antecedent and no such occurrence as alleged has taken place. It has further been submitted that there is no independent witness to the seizure list and attributing seizure of



incriminating article to the petitioner was apparently false. It has further been submitted that no recovery has been made from the conscious possession of the petitioner and it has lastly been submitted that the petitioner is in custody since 09.03.2025. Learned counsel for the petitioner undertakes to deposit a sum of Rs. 5,000/- before the Patna High Court Legal Services Committee.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and has stated that a huge consignment has been recovered and the petitioner was apprehended at the spot.

6. Considering the aforesaid submissions made by the parties and taking into account the clean antecedent of the petitioner, let the petitioner above-named be enlarged on bail **on deposition of a sum of Rs. 5,000/- to the Patna High Court Legal Services Committee, Patna and an acknowledgment receipt be submitted before the learned Court below prior to the furnishing of bail bond** and thereafter on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-II, Araria in connection with Araria Excise P.S. Case No. 80 of 2025 subject to the



conditions:-

(i) One of the bailors of the petitioner shall be his close relative.

(ii) The petitioner shall remain physically present in Court on each date of the trial.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iv) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the afore-mentioned order shall not be delayed for purpose of or in the name of verification.

(Sourendra Pandey, J)

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