

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33510 of 2025

Arising Out of PS. Case No.-73 Year-2025 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Raushan Paswan @ Chandan Kumar Son of Bijendra Paswan Resident of
Village- Laxmisagar, 52 Bigha, Ward No.15, Police Station- University,
District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-05-2025 Heard Mr. Nilendu Kumar Choudhary, learned

counsel for the petitioner and Mr. Bhanu Pratap Singh, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with L.N.M.U. (University) P.S. Case No. 73 of
2025, F.I.R dated 06.04.2025 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act 2016, 2018 and 2022.

3. Recovery is of 783 liters of Nepali Saurav
Sophy.

4. Learned counsel for the petitioner submits that it
appears from the F.I.R and seizure list that nothing has been
recovered from the conscious possession of the petitioner and



the petitioner has falsely been implicated in the present case on the basis of suspicion. He further submits that it also appears from the seizure list that 36 litres of illicit liquor was recovered from the scooty in question and 63 litres of the Nepali Sohpy was recovered from the house of the co-accused person, namely, Lalit Paswan and the apprehended co-accused person has disclosed that the liquor in question belongs to the co-accused person, namely, Lalit Paswan and the petitioner has no concern with the alleged recovery of illicit liquor or the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable and submits that the petitioner carries one case other than the present one but fairly submits that the petitioner is on bail in the pending matter.

6. This court is aware of the decision of the Full Bench in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019(2) P.L.J.R. 1089**. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant



of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

7. Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioner and the petitioner has been made accused on the basis of suspicion, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Exclusive Special Judge-II, (Excise Act), Darbhanga in connection with L.N.M.U. (University) P.S. Case No. 73 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that 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 above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Jyoti Kumari/-

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