

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36016 of 2025

Arising Out of PS. Case No.-1107 Year-2024 Thana- Excise P.S. District- Aurangabad

Chhotu Paswan @ Chhotu Kumar @ Prakash Kumar S/o Buttan Paswan @
Upendra Paswan R/o Village- Sundar Ganj, PS- Risiyap, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Excise P.S. Case No. 1107 of 2024, G.R. No. 1936 of 2024 registered for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, 1.620 litre illicit liquor was recovered from plastic bag which was being carried by the apprehended co-accused Dilip Kumar. Further, 41.400 litre illicit liquor was also recovered from the Bajaj Pulsar motorcycle in question. Local people disclosed the name of petitioner who succeeded in fleeing away from the place of occurrence.



4. Learned counsel for the petitioner submits that petitioner is not the owner of the said motorcycle in question. Petitioner was not found at the place of occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of two cases in which he is on bail. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge of



Excise – II, Aurangabad in connection with Excise P.S. Case
No. 1107 of 2024, G.R. No. 1936 of 2024, subject to the
conditions as laid down under Section 482 (2)of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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