

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38998 of 2025

Arising Out of PS. Case No.-146 Year-2024 Thana- OBRA District- Aurangabad

Mantosh Paswan Son of Rajendra Paswan R/O Village- Mahdewa , PS - Obra
District- Aurangabad , Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 25-06-2025 Heard learned Counsel for the petitioner and learned

APP for the State.

2. The petitioner is apprehending arrest in connection with Obra P.S. Case No. 146/2024 registered on 10.04.2024 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, a total recovery of 50 litres of illicit liquor was made from a motorcycle parked near the Sone River, which forms the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. It is contended that no recovery has been made from the conscious physical possession of the petitioner, nor does the petitioner have any connection with the seized liquor or the motorcycle in question. Furthermore, the alleged recovery was shown to have been made from an open place near the Sone River, which does



not belong to the petitioner. Therefore, the essential ingredients required to attract the provisions of the Excise Act are not satisfied in the present case. However, it is fairly submitted that the antecedents of the petitioner are not clean, as he is accused in two other criminal cases.

5. Learned APP for the State opposes the prayer for bail and submits that the petitioner has criminal antecedents, being an accused in two other cases of a similar nature.

6. In this background, this Court is not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner in connection with Obra P.S. Case No. 146/2024, pending before the learned Special Judge, Excise Court NO.-02, Aurangabad, Bihar, is hereby rejected.

7. However, if the petitioner surrenders before the Trial Court within six weeks from today, the Trial Court is directed to pass an order on his surrender-cum-bail application on the same day, considering the ingredients of the Excise Act against the petitioner, without being prejudiced by the fact that the petitioner's anticipatory bail has been rejected by this Court.

(Dr. Anshuman, J)

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