

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43359 of 2025

Arising Out of PS. Case No.-70 Year-2025 Thana- RAFIGANJ District- Aurangabad

Nanhak Paswan @ Ranjeet Paswan @ Nanhak Pasvan S/o- Vashudev Paswan
@ Vashudev Pasvan Village- Madipur Bigaha PS-Rafiganj District-
Aurangabad Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Ms.Rupa Kumari

For the Opposite Party/s : Mr.Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-07-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Rafiganj P.S. Case No. 70 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, (Amended) 2022.

3. As per prosecution case, 52 litre illicit country made liquor was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Learned counsel further submits that petitioner bears no criminal antecedent. He further submits that place of recovery is



joint family house of the petitioner and petitioner was not found at the place of occurrence and hence, petitioner cannot be held responsible for the alleged recovery. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has no concern with the seized liquor. There is no compliance of Section 103 of BNSS. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that 52 litre illicit country made liquor was recovered from the house of the petitioner and hence, petitioner cannot escape from the liability of said recovery.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, 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 District and Additional Sessions Judge-cum Exclusive Special Judge, Excise Court No. 1, Aurangabad, Bihar in connection with Rafiganj P.S. Case No. 70 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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