

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51692 of 2025

Arising Out of PS. Case No.-291 Year-2025 Thana- MAHUA District- Vaishali

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1. Rakesh Kumar @ Rakesh Kumar Paswan S/O Late Ravi Paswan R/O Village- Vanarashipur, Ward No. 02, P.S- Mahua, Dist.- Vaishali, Bihar.
 2. Anita Devi W/O Late Ravi Paswan R/O Village- Vanarashipur, Ward No. 02, P.S- Mahua, Dist.- Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan, Advocate
For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 11-08-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Petitioners apprehend their arrest in connection with Mahua P.S. Case No. 291 of 2025 registered for the offences under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, on March 2, 2025, Sub Inspector Vivek Kumar from Mahua Police Station, Vaishali District, conducted a raid at Rakesh Kumar Paswan's (petitioner no. 1) residence in Banarasipur Ward No. 2 based on secret information. During the police operation, three individuals fled the scene, but one woman named Shweta Devi was



apprehended. She revealed that the persons who fled were Rakesh Kumar Paswan and Anita Devi (petitioner no. 2). Following proper search procedures, authorities seized 49 liters of country-made liquor, liquor manufacturing equipment, and a motorcycle with registration number BR31AM-3586 from behind the house near a toilet tank.

4. Learned counsel for the petitioners submit that the petitioners are innocent and has falsely been implicated in the instant case. Further submission is that the said recovery was made from outside the house of the petitioners. It is next submitted that the owner of the said motorcycle namely Randhir Kumar was also granted anticipatory bail by a Coordinating Bench of this Court vide order dated 20.06.2025 passed in Cr. Misc. No. 36346/2025. Petitioners have no criminal antecedent.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and the submissions advanced on behalf of the parties, let the petitioners above named be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs.10,000/-(ten thousand) each with two sureties of the



like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Mahua P.S. Case No. 291 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of B.N.S.S. as well as subject to the following conditions:-

(i) One of the bailors of the petitioners shall be their close relative.

(ii) The petitioners 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 petitioners will be liable to be cancelled by the Court concerned.

(iv) If the petitioners are found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of their bail bond.

(v) The learned Court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

7. Accordingly, this application is allowed.

(Sourendra Pandey, J)

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