

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50665 of 2025

Arising Out of PS. Case No.-426 Year-2024 Thana- LADANIA District- Madhubani

Chhote Lal Paswan Son of Musaharu Paswan Resident of village - Pathrahi
Sarsara, P.S.- Ladaniya, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav, Advocate
: Mr. Vinod Kumar, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-07-2025 Heard Mr. Gagan Deo Yadav, learned counsel for the

petitioner and Mr. Abhay Kumar, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Ladaniya P.S. Case No. 426 of 2024, F.I.R
dated 24.12.2024 registered for the offences punishable under
Section 30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 110 litre of country made liquor.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R is false and fabricated. He further submits that it
appears from the F.I.R that nothing has been recovered from the



conscious possession of the petitioner rather the recovery has been made from the house of the petitioner and other co-accused persons and infact nothing has been recovered from the conscious possession of the petitioner. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C / Section 103 of Bhartiya Nagarik Suraksha Sanhita. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

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. He further submits that altogether three thousand half country made liquor has been destroyed by the informant and others and apart from that altogether 110 litre country made liquor was recovered from the house of the petitioner and other co-accused persons and apart from that the petitioner carries six criminal antecedents other than the present one of similar nature.

6. Considering the aforesaid facts and circumstances that the recovery of liquor has been made from the house of the petitioner and apart from that three thousand half country made



liquor has been destroyed by the informant and petitioner carries six criminal antecedents , I am not inclined to grant the privilege of anticipatory bail to the petitioner in connection with Ladaniya P.S. Case No. 426 of 2024, pending in the court of Exclusive Special Judge (Excise Court), Madhubani.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

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