

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62348 of 2025

Arising Out of PS. Case No.-306 Year-2025 Thana- HARNAUT District- Nalanda

Niraj Paswan @ Amrudh Paswan S/o Late Bijendra Paswan R/o Chero, P.S.-
Chero, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mr. Nityanand

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 24-09-2025 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Harnatu (Chero) Police Station Case No. 306 of 2025, dated 25.06.2025, disclosing offences under Sections 30(a)/30(d) of the Bihar Prohibition and Excise Act.
3. The prosecution case, as per the First Information Report, is that on 25.06.2025, while patrolling, the police received secret information that the petitioner, along with co-accused Indal Paswan, are indulged in manufacturing of country made illicit liquor in their house at village Chero. Upon this information, the police reached at the place of occurrence and saw that two persons, after seeing the police party, started fleeing away. On search, total 106



liters of mahua wine, two big cylinder, one plastic drum and a bucket was recovered and sized from the west side room of their house.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on mere suspicion and on the basis of secret information. He next submits that the petitioner was not present at the place of occurrence and neither illicit liquor nor any incriminating articles has been recovered from conscious possession of the petitioner and/or premises belonging to him. He further submits the recovery of illicit liquor and incriminating article has been made from old and abandoned house, which does not belong to the petitioner.
5. After having heard learned counsel for the parties and taking into consideration the fact that the petitioner has criminal antecedent and from seizure list it apparent that illicit liquor and some article for manufacturing liquor has been recovered from the house of the petitioner as such *prima facie* offence under the Bihar Prohibition and Excise Act, 2016, is made out and the Hon'ble Full Bench of this Court has held that anticipatory bail in such cases is not maintainable. Accordingly, in view of the law laid



down by the Full Bench in Criminal Appeal (SJ) No. 431
of 2019, I am not inclined to grant the petitioner privilege
of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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