

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64560 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- Bahoranpur District- Bhojpur

1. Satendra Paswan Son of Lal Mohar Paswan Village -Charghat Police Station -Bahoranpur District -Bhojpur
2. Ajeet Paswan Son of Lal Mohar Paswan Village -Charghat Police Station -Bahoranpur District -Bhojpur
3. Manjeet Paswan son of Lal Mohar Paswan Village -Charghat Police Station -Bahoranpur District -Bhojpur
4. Jitendra Paswan @ Jitendra Kumar son of Late Sri Ram Paswan Village -Charghat Police Station -Bahoranpur District -Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioners apprehend their arrest in connection with Bahoranpur P.S. Case No. 86 of 2025, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioners is of engaged in sale of illicit wine. The police in course of patrolling found all the four petitioners standing in front of the house of the one Dharmu Ram along with illicit wine. Noticing the police party, all of them succeeded in fleeing away after throwing illicit wine.



In course of search, total 40 litres of country made liquor was recovered.

4. Learned Advocate for the petitioners submitted that the identification of the petitioners in the night by the police personnel does not inspire confidence; all the more the alleged recovery has been made from an open place nearby the house of the petitioners and for the said recovery, the petitioners cannot be held responsible. There are various other infirmities in search and seizure, coupled with non-compliance of Section 103 of BNSS. The petitioners are men of fair antecedent and they undertake that they will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the provision of Section 76(2) of the Bihar Prohibition and Excise Act, 2016 clearly bars the anticipatory bail in the facts of the present case.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the materials which do not attract the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 as also the recovery has been made from an open place, coupled



with the fair antecedent, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Bhojpur at Ara in connection with Bahoranpur P.S. Case No. 86 of 2025, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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