

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64694 of 2025

Arising Out of PS. Case No.-230 Year-2025 Thana- EXCISE MAHARAJGANJ District-
Siwan

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Kunal Paswan @ Kunal Kumar, S/o- Vimal Paswan @ Vimal Manjhi, R/o
Village- Mathiya PS- Basantpur Distt- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Priyanshu Kumar Singh, Advocate Mr. Ashok Singh, Advocate
For the Opposite Party/s :		Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner apprehends his arrest in connection with Maharajganj Excise P.S. Case No. 230 of 2025 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Accusation against the petitioner is of involved in selling of illicit liquor; the police on secret information apprehended four persons, who disclosed that it is the petitioner, on whose direction, they were engaged in selling the illicit liquor. In course of search, total 74.160 litres of Indian made foreign liquor was recovered from a bush.

4. Learned Advocate for the petitioner submitted that besides the fact that the alleged recovery has been made from a



bush, save and except the disclosure made by the apprehended person, which is not admissible in the eye of law, there is no material suggesting the complicity of the petitioner in the crime. The petitioner is a man of fair antecedent and he undertakes that he will fully cooperate in the proceeding of the court. It is lastly contended that there are other infirmities in the search and seizure, coupled with the clear defiance of the prescription provided Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submits that the petitioner is found indulged in selling of illicit liquor, besides the rigors provided under Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and the materials available on record, especially the fact that the alleged recovery has been from an open place and thus the aforesaid materials do not attract the provision of Section 76(2) of the of the Bihar Prohibition and Excise Act, 2016, coupled with the fair antecedent of the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the court below



within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Siwan in connection with Maharajganj Excise P.S. Case No. 230 of 2025, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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