

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64377 of 2025

Arising Out of PS. Case No.-118 Year-2025 Thana- MUSRIGHRARI District- Samastipur

Guddu Paswan, S/O Laldhari Paswan, Resident of Bisambharpur Ailoth, P.S.-
Musarigharari, District- Samastipur, Pin-848101 Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Keshav Bhardwaj, Adv.

For the Opposite Party/s : Mr. Kalyan Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-09-2025 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The petitioner apprehends his arrest in connection
with Musrigharari P.S. Case No. 118 of 2025, registered for the
offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. The police on a tip-off transportation of illicit wine
intercepted two vehicles bearing registration no. BR-31AV-3814
and another BR-1AA-5103. In course of search 17.28 litres and
further 48.42 litres of illicit liquor were recovered from both the
vehicles. While the search was going on, in the meanwhile, one
black and red coloured Apache motorcycle was also intercepted.
However, the driver of the vehicle succeeded in fleeing away



and the pillion rider was apprehended, from whose possession total 18 litres of Indian made foreign liquor was recovered.

4. Learned Advocate appearing on behalf of the petitioner submitted that the name of the petitioner has been implicated in this case only on account of he being owner of the vehicle in question. In fact, on the fateful day, the vehicle was taken away by one of his neighbour to bring some household article and the petitioner was not even aware as to whether his vehicle has ever been used for any illicit purpose. The petitioner has not been identified on the place of occurrence, all the more, he bears a fair antecedent. There are various other infirmities in the search and seizure as also the defiance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submits that the use of the petitioner's vehicle in the crime clearly suggest the complicity of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record which *prima facie* lacking the rigors provided under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 coupled with the infirmities in the search and seizure, as also the



fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his 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) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge Excise-I, Samastipur in connection with Musrigharari P.S. Case No. 118 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 petitioner.

(Harish Kumar, J)

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