

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65375 of 2025

Arising Out of PS. Case No.-152 Year-2025 Thana- DIGHWARA District- Saran

Mukesh Kumar @ Mukesh Paswan S/o Rajkumar Paswan R/o Village-
Basantpur, P.S.- Dighwara, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Kumar Pandey

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Dighwara P.S. Case No. 152/2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 30 liters country made liquor from the bamboo garden. Local Chowkidar disclosed the name of the petitioner and others who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Except disclosure of local Chowkidar, there is nothing on record to demonstrate the complicity of the present



with the alleged occurrence. He orally submits that the petitioner has inimical term with the local Chowkidar due to which he has falsely been implicated in this case. Place of recovery is open place, which is accessible to all and the petitioner cannot be held liable for the alleged recovery. The petitioner bears two criminal antecedents in which he is on bail. The petitioner was not found at the place of occurrence. No incriminating article has been recovered from the possession of the petitioner. The petitioner has no concern with the seized liquor. The petitioner is not the owner of the said bamboo garden. The petitioner is not in any way connected with the alleged occurrence. There is no compliance of Section 103 of the B.N.S. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition of Excise Act.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from



today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1st, Saran at Chapra in connection with Dighwara P.S. Case No. 152/2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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