

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66078 of 2025

Arising Out of PS. Case No.-509 Year-2025 Thana- VAISHALI District- Vaishali

1. Viswanath Paswan @ Pakauri Paswan Son of Mahesh Paswan Resident of Village - Shekhpurva Bhagwanpur Ratti, P.S. - Vaishali Dist. - Vaishali.
2. Gunjan Kumar Son of Late Rajdev Rai Resident of Village - Shekhpurva Bhagwanpur Ratti, P.S. - Vaishali Dist. - Vaishali.
3. Ajay Rai @ Ajay Kumar Son of Late Jawahir Rai. Resident of Village - Shekhpurva Bhagwanpur Ratti, P.S. - Vaishali Dist. - Vaishali.
4. Amit Kumar Son of Raj Kishor Rai @ Raj Kisher Rai Resident of Village - Shekhpurva Bhagwanpur Ratti, P.S. - Vaishali Dist. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anish Kumar, Adv.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. Petitioners are apprehending arrest in connection with Vaishali P.S. Case No. 509 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 6420.24 liters illicit liquor from the truck bearing Reg. No. NL01AC-6717 and Pickup van bearing Reg. No. BR06CF-6246 standing beside the main road between village



Amritput and Sheikhpura. On the basis of secret information, petitioner's name came to fore.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the first information report and they have been falsely implicated in this case. Petitioner was not found at the place of occurrence. It is submitted that on the basis of secret information petitioners' name came to fore but the source of information has not been disclosed in the first information report which questions the authenticity of the prosecution case. Petitioners are neither owner nor driver of the alleged vehicles in question, as stated in para 8 of the petition. Petitioners bear no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioners under the provisions of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposes the prayer for anticipatory bail of the petitioners.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners,



above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court No. II-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Vaishali P.S. Case No. 509 of 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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