

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65758 of 2025

Arising Out of PS. Case No.-105 Year-2025 Thana- MUSRIGHRARI District- Samastipur

Ramesh Paswan S/o Late Mahendra Paswan R/o Village- Harpur Aloth, Ward
No. 44, P.S.- Musarigharari, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ankit Kumar Jha

For the Opposite Party/s : Mr.Kanhiya Kishor

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 Musarigharari P.S. Case No. 105 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per prosecution case, on the basis of secret information, 18.375 litre foreign liquor was recovered from the field of Pooran Jha and nearby people disclosed the name of petitioner, who fled away from the spot.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner bears criminal antecedent of two cases in which he is on bail. He further submits that just because of



criminal antecedent of the petitioner, he has been falsely implicated in this case without any basis. He further submits that source of information and name of nearby people have not been disclosed in the FIR which questions the authenticity of the prosecution story. No incriminating article has been recovered from possession of the petitioner. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. Place of recovery is an open place and petitioner cannot be held responsible for the alleged recovery. He further submits that place of recovery does not belong to the petitioner. In the light of aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provision of Bihar Prohibition and Excise Act.

5. The learned A.P.P. for the State vehemently opposes 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 Judge, Excise-1, Samastipur in connection with Musarigharari P.S. Case No. 105 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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