

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65364 of 2025

Arising Out of PS. Case No.-36 Year-2025 Thana- Excise P.S. District- Aurangabad

Kapil Paswan S/o Late Mahesh Paswan R/o Village- Mirpur, P.S.- Kutumba,
District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal

For the Opposite Party/s : Mr. Lalan Kumar

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 Excise P.S. Case No. 36/2025 registered for the offences punishable under Sections 30(a), 32 (3) of the Bihar Prohibition of Excise Act.

3. As per prosecution case, there is alleged recovery of 7.380 liters english wine from the dickey of the Splendor motorcycle bearing Registration No. JH03D4635.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR. The petitioner is not named in the FIR and his name has been surfaced in this case during course of investigation as the owner of the said motorcycle. Basically, the petitioner had



sold the said motorcycle to one Ashok Mehta. The petitioner had no knowledge regarding the seized liquor, which was misused by Raju Kumar, son of Ashok Mehta. The petitioner bears no criminal antecedent. 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 and he has never involved in business of illicit liquor. The petitioner is not in any way connected with the alleged occurrence. There is no compliance of Sections 103 and 105 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, keeping in view clean antecedent of petitioner, 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 Special Judge, Excise-II, Aurangabad in connection with Excise P.S. Case No. 36/2025, 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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