

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65355 of 2025

Arising Out of PS. Case No.-23 Year-2025 Thana- DEV District- Aurangabad

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Bhola Paswan S/o Yugeshwar Paswan R/o Vill- Simri Kala, P.S.-Kutumba,
Distt- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aman Vishal

For the Opposite Party/s : Mr. Gauri Shankar Gupta

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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 Deo P.S. Case No. 23/2025 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 20 liters country made mahua liquor from Passion Pro motorcycle bearing Registration No.JH03G3696.

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. He further submits that



basically the said motorcycle was taken by co-accused- Sudarshan Paswan, who is uncle (fufa) of the petitioner and the said motorcycle was misused by him. The petitioner bears one criminal antecedent 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 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, 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 District and



Additional Sessions Judge-cum-Exclusive Special Judge, Excise
Court No.1, Aurangabad in connection with Deo P.S. Case No.
23/2025, 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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