

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68402 of 2025

Arising Out of PS. Case No.-234 Year-2025 Thana- KOTWA District- East Champaran

Moti Paswan @ Motilal Paswan S/o Chhathu Paswan R/o Village- Gosaibari
Jasaulipatti, P.S.- Kotwa, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Abhishek Kumar, Advocate
		Mr. Harsha Shashwat, Advocate
For the State	:	Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-10-2025 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Kotwa P.S. Case No.234 of 2025, dated.26.06.2025, registered for the offences punishable under Sections 30(a) , 32, 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, 159.660 liter of illicit liquor has been recovered from an e-rickshaw and one motorcycle and as per the local chowkidar, the Petitioner was riding the motorcycle bearing registration no. BR05AJ5954. As per further case of the prosecution, it was the Petitioner who fled away after seeing the police.



4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the Petitioner has nothing to do with the alleged offence and he is neither driver nor owner of the vehicles nor was he present at the place of occurrence. He also submits that the whole case is based only on suspicion, and hence, no *prima facie* case is made out against the Petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection



with Kotwa P.S. Case No.234 of 2025, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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