

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68834 of 2025

Arising Out of PS. Case No.-90 Year-2025 Thana- MADHEPUR District- Madhubani

Dharmendra Paswan @ Dharmendra Kumar Paswan Son of Vijay Paswan
Resident of Village - Andauli, P.S. - Alinagar, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhumala Kumari, Adv

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioner is apprehending his arrest in connection with Madhepur P.S. Case No. 90/2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, 906 litres illicit liquor was recovered from the Scorpio vehicle in question. Apprehended co-accused Deepak Kumar discloses that the alleged liquor belongs to the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner bears criminal antecedent of four cases, in which he is



on bail. He further submits that except disclosure of apprehended co-accused person, there is nothing on record to connect the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession. Petitioner was not found at the place of occurrence. Petitioner has no concern with the seized liquor. Petitioner is neither owner nor driver of the seized vehicle in question. 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 opposes the prayer for anticipatory bail of the petitioner and submits that petitioner name has been surfaced in this case upon the disclosure of apprehended co-accused and petitioner cannot escape from the allegation made in FIR. Hence, petitioner does not deserve anticipatory bail.

6. Considering the facts and circumstances of the case, petitioner is neither owner nor driver of the seized vehicle in question, 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 Court of Special Judge Excise Act, Jhanjharpur in connection with Madhepur P.S. Case No. 90 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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