

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71796 of 2025

Arising Out of PS. Case No.-456 Year-2025 Thana- MALSALAMI District- Patna

Dhiraj Paswan @ Dhiraj Kumar S/O Amarnath Paswan @ Nate Paswan R/O
Vill.- Mathnital, P.S.- Malsalami, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Rai, Adv.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-10-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner is apprehending arrest in connection with Malsalami P.S. Case No. 456 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 33.240 liters illicit liquor from two plastic sacs kept near the hut situated beside the water tank. Nearby people disclosed the name of petitioner who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the first information report and he has been falsely implicated



in this case. It is submitted that the place from where the alleged recovery has been made is an open place which is accessible to all and petitioner cannot be held liable for the alleged recovery. Petitioner was not found at the place of occurrence. Petitioner is not in any way connected with the alleged occurrence. It is further submitted that name of nearby people, who disclosed the name of petitioner, has not been divulged in the first information report, which questions the authenticity of the prosecution story. No incriminating article has been recovered from possession of the petitioner. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions 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 and submits that petitioner's name finds figure in the F.I.R. and he cannot escape from the allegations levelled in the first information report.

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 arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Court of Excise, Patna City, Patna in connection with Malsalami P.S. Case No. 456 of 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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