

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71678 of 2025**

Arising Out of PS. Case No.-33 Year-2024 Thana- DAWATH District- Rohtas

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DHARMENDRA PASWAN Son of Late Vishwanath Paswan Resident of  
Village - Baisegaon Fatdar, P.O.- Phaphadar, P.S.- Marad, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sarvan Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

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**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. The petitioner is apprehending his arrest in connection with Dawath P.S. Case No. 33 of 2024 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, 129.175 litre illicit liquor was recovered form carrier of the auto in question. On the basis of information given by spy it came to fore that the alleged illicit liquor belongs to co-accused Krishna Yadav and Kanhaiya Yadav. Hence, FIR was lodged against co-accused Krishna Yadav, Kanhaiya Yadav and owner of the seized auto in question.

4. Learned counsel for the petitioner submits that



petitioner is not named in FIR. Learned counsel orally submits that during the course of investigation, the name of the petitioner has been transpired in this case as the owner of the said auto in question. Learned counsel orally submits that from the perusal of FIR, it is quite evident that the alleged illicit liquor belongs to co-accused Krishna Yadav and Kanhaiya Yadav. He further submits that seizure list clearly reflects that the aforesaid vehicle was kept in the garage of Sriman Mistri situated at Maliya Bagh and he orally submits that the said vehicle was kept in the said garage for repairing and during the course of repairing, the said auto in question has been misused. Petitioner cannot be held liable for the alleged recovery. Petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. 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. Petitioner bears no criminal antecedent. It has been orally submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that



during the course of investigation, the name of the petitioner has been transpired in this case as the owner of the said auto in question from which 129.175 litre illicit liquor was recovered and hence, petitioner cannot escape from the allegation made in FIR.

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 Exclusive Special Judge, Court No. 1, Rohtas at Sasaram in connection with Dawath P.S. Case No. 33 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court is not co-operating in the investigation,



in that event, the learned trial court shall be at liberty to cancel  
the bail bond of the petitioner.

**(Alok Kumar Pandey, J)**

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