

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83050 of 2025**

Arising Out of PS. Case No.-107 Year-2021 Thana- ADAPUR District- East Champaran

Pawan Kumar, S/o Lalji Ram, R/o Village- Sirisiya Maal, P.S.- Nakardei  
(Adapur), Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manjeet Kumar Mishra, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

2      10-12-2025                      Heard Mr. Manjeet Kumar Mishra, learned counsel  
for the petitioner and Mr. Yogendra Kumar Singh, learned APP  
for the State.

2. The petitioner apprehends his arrest in connection with Adapur P.S. Case No. 107 of 2021 dated 19.04.2021 registered for the offences punishable under sections 272, 273 & 414 of the Indian Penal Code and section 30(a) of the Bihar Prohibition & Excise Act (in short, 'Excise Act').

3. The main submissions advanced by petitioner's counsel are that the petitioner has no criminal antecedent and he has been made accused during the investigation mainly on the basis of supervision made by the senior police official while as per the prosecution story, only one person, namely Afzal Alam (co-accused), was riding on a motorcycle with the alleged liquor and he was apprehended by the personnel of the *Sashastra*



*Seema Bal* and it is not the case of the prosecution that two persons were riding on the alleged motorcycle. It is further submitted that the apprehended co-accused made his confession, enclosed with the FIR, in which he did not reveal the name of the petitioner as being involved in the trafficking of alleged liquor. It is lastly submitted that the petitioner's past is completely clean, hence, the alleged offence of the Excise Act, under which the FIR has been registered, does not attract even *prima facie* against this petitioner, so, his prayer is not hit by the provisions of section 76(2) of the Excise Act.

4. Learned APP for the State has opposed the prayer of the petitioner but fairly accepts that only one person, namely Afzal Alam (co-accused), is alleged to have been riding on the motorcycle with the alleged liquor and as per the FIR, the petitioner's name did not come in light at the time of apprehending the co-accused.

5. In the facts and circumstances of this case and considering the above stated submissions and mainly the petitioner's fair and clean antecedent, this Court is inclined to accept his prayer for anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the learned Court below within a period of six weeks



from today, be released on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Adapur P.S. Case No. 107 of 2021, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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