

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84186 of 2025

Arising Out of PS. Case No.-292 Year-2025 Thana- MEHSI District- East Champaran

Suraj Kumar @ Suraj Paswan S/o- Ramnath Paswan Resident of Village-
Chaknagri Ps- Mehsi District- East Champaran Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR

ORAL ORDER

2 17-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mehsi P.S. Case No. 292 of 2025, F.I.R dated 26.09.2025 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the prosecution case, a typed application submitted by the informant, namely Kaushal Kumar, P.S.I., Mehsi Police Station. It is alleged that on 26.09.2025, while the informant along with other police personnel was on evening patrolling and conducting raids against illicit liquor, he received secret information that liquor traders Suraj Kumar (the petitioner) and Ramnath Paswan were transporting country-



made liquor on a blue-coloured Apache motorcycle bearing Registration No. BR-06-DW-1345, while proceeding towards their house at Chaknagri from Phulwaria Semra. Acting upon the said information, the police party reached Chaknagri village, where two persons were found sitting on the motorcycle. On noticing the police, the said persons fled away, leaving behind the motorcycle along with sacks tied thereon. Local persons disclosed the names of the fleeing individuals as Suraj Kumar and Ramnath Paswan. Upon search, 50 litres of country-made liquor were recovered from the said motorcycle. Consequently, an F.I.R. was lodged against two accused persons, including the petitioner, at the concerned police station.

4. Learned counsel for the petitioner submits that the recovery is made from Apache motorcycle which does not belong to this petitioner, and said Apache motorcycle was standing in an open place which is accessible to all, though it was parked in front of the house of the petitioner. The procedures as prescribed under 103 of B.N.S.S Act with regard to such seizure has not been followed in this case, as there is no independent witness. It has further been fairly submitted that petitioner has three antecedents in which he is on bail, and this petitioner being a man of means and he is ready to abide by



conditions imposed in this case.

5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Regard being had to the submission made by the parties, taking into consideration the fact that illicit liquor has not been recovered from the constructive possession and / or premises belonging to the petitioner and considering the aforesaid facts and circumstances, accordingly, this Court is inclined to grant anticipatory bail to the petitioner.

7. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today 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 Excise Court No. 3, East Champaran, Motihari in connection with Mehsi P.S. Case No. 292 of 2025 subject to the condition as laid down under Section 482(2) of the B.N.S.S., 2023.

(Ajit Kumar, J)

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