

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84080 of 2025

Arising Out of PS. Case No.-302 Year-2025 Thana- BHAGWANPUR District- Vaishali

1. Anil Paswan, S/O Ganesh Paswan, R/O village - Sarangi, P.S. - Bhagwanpur, District - Vaishali
2. Raju Paswan, S/O Ganesh Paswan, R/O village - Sarangi, P.S. - Bhagwanpur, District - Vaishali
3. Ramesh, S/O Bahadur Paswan, R/O village - Sarangi, P.S. - Bhagwanpur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hemant Kumar, Advocate.
For the State	:	Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-12-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Bhagwanpur P.S. Case No.302 of 2025 dated 16.10.2025 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

2. As per allegation, 20 litres of illicit country made liquor has been recovered from an open field. As per further case of the prosecution, the petitioner and other accused persons were manufacturing and selling the illicit liquor from the place



of recovery and when the Police reached there, they after seeing the Police, fled away and as per local *chowkidar*, the persons who fled away from the place of recovery were the petitioners and other co-accused.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the recovery has been made from an open field accessible to public at large. Moreover, the petitioners have been implicated in this case only on the basis of suspicion. They have nothing to do with the alleged offence and, hence, no *prima facie* case is made out against them.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner No. 1 has been made accused in another case of similar nature in which he is on bail.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering that no *prima facie* case is made out against the petitioners, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of



their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned court below, in connection with Bhagwanpur P.S. Case No.302 of 2025, subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedent other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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