

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83886 of 2025

Arising Out of PS. Case No.-135 Year-2025 Thana- KUTUMBA District- Aurangabad

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Ajay Kumar Paswan Son of Guddu Paswan R/o Village - Vishunpur, P.S. -
Kutumba, District - Aurangabad(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Birendra Kumar Singh, Advocate
For the State	:	Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 17-12-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Kutumba P.S. Case No. 135 of 2025 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, lodged on 28.09.2025 by the informant, Umesh Yadav.

3. As per the prosecution story, the Police on secret information intercepted a motorcycle and there is recovery/seizure of 147 liter country made wine. This led to the FIR.

4. Learned counsel for the petitioner submits that he neither owns the motorcycle nor has criminal antecedent, only because he has been named by Vikash Kumar who was apprehended, has been named in the F.I.R. Last submission is that without accepting the allegation or outcome of the petition



the petitioner intends to pay Rs.5,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Aurangabad for the beautification/purchasing of flower pots whichever is required in the Civil Court Campus, Aurangabad.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP opposes the prayer submitting that he has been named by the apprehended person.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from his conscious possession nor he owns the motorcycle, do not have criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to



payment of Rs.5,000/- by Demand Draft issued by the local branch of the State Bank of India/any Nationalized Bank to the District Legal Services Authority, Aurangabad for the beautification/purchasing of flower pots whichever is required in the Civil Court Campus, Aurangabad and the receipt of the expenditure shall be submitted to the Trial Court by the District Legal Services Authority, Aurangabad.

8. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned District & Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court No.1, Aurangabad in connection with Kutumba P.S. Case No. 135 of 2025 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month for six months to mark his attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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