

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88068 of 2025

Arising Out of PS. Case No.-374 Year-2025 Thana- TURKAULIYA District- East
Champaran

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Kundan Paswan @ Kundan Kumar Son of Late Nandu Paswan Resident of
village- Jaysinghpur Kachahari tola PS- Turkauliya Distt -East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Adv.
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-12-2025 Heard Mr. Shanti Bhushan Singh, learned counsel for
the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Turkauliya P.S. Case No. 374 of 2025 for the offence under sections 30(a)/41(1) of the Bihar Prohibition and Excise Act lodged on 31.07.2025 by the informant, Manish Raj.

3. As per the prosecution story, the Police intercepted a motorcycle and there is recovery/seizure of 60 liter country made liquor, *Chowkidar* named the person, the petitioner who escaped. This led to the FIR.

4. Learned counsel for the petitioner submits that neither anything has been recovered from his conscious possession nor he owns the motorcycle. Only because of criminal antecedent, got implicated.



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 the petitioner has criminal antecedent.

7. Considering the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that recovery/seizure is from the motorcycle which is not owned by him, nothing has been recovered from his conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

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 Special Judge, Excise Court No. 1, East Champaran, Motihari in connection with Turkauliya P.S. Case No. 374 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 one year 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)

Vijay Singh/-

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