

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88322 of 2025

Arising Out of PS. Case No.-812 Year-2025 Thana- Excise P.S. District- Sitamarhi

Prabhu Paswan Son of Baiju Paswan Resident of Village- Bhavdepur, Ward
No. 14, P.S.- Riga, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-12-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Sitamarhi Excise PS. Case No. 812 of 2025 dated 26-09-2025,
instituted under Section 30(a) of the Bihar Prohibition and
Excise Amendment Act,2022.

3. The allegation is of recovery of 288 litres of illicit
Nepali Saufi liquor from the vacant land in front of the house of
co-accused Tipu Paswan. The petitioner is alleged to have fled
away from the place of occurrence.

4.Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. It is further submitted that no incriminating article
has been recovered from the conscious possession of the



petitioner or from his house. The petitioner has no concern with the alleged recovery or the place of occurrence. The name of the petitioner has surfaced in this case merely on the basis of disclosure made by local people as the person who fled away from the place of occurrence. The petitioner was not arrested at the spot. It is further submitted that co-accused Tipu Paswan @ Arun Paswan @ Tipu and Naval Paswan were granted anticipatory bail by a Co-ordinate Bench of this Court *vide* order dated 10-12-2025 passed in Cr. Misc. No. 83584 of 2025. Lastly, it is submitted that three criminal cases are pending against the petitioner, in which he is already on bail.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Judge-2, Sitamarhi/concern court, in Sitamarhi Excise PS. Case No. 812 of 2025, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita 2023* and further (i) that the



petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail and (v) that the petitioner will appear before the SHO of concerned PS in the first week of each month till the framing of charge in this case.

7. The application stands allowed.

(Khatim Reza, J)

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