

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90039 of 2025

Arising Out of PS. Case No.-406 Year-2025 Thana- ALOULI District- Khagaria

1. Rahul Paswan S/o Ram Sharan Paswan Resident of Village - Rampur, Alauli, Ward No. 6, P.S - Alauli, District - Khagaria
2. Manoj Paswan @ Manoj Kumar S/o Late Ramotar Paswan Resident of Village - Rampur, Alauli, Ward No. 6, P.S - Alauli, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Santosh Kumar Singh
For the Opposite Party/s	:	Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-12-2025 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Alauli P.S. Case No. 406 / 2025 dated 14.09.2025 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act 2022.

3. As per the first information report 20 liters of country made liquor kept in a green plastic 'dabba' and 02 liters of country made liquor kept in a Pepsi bottle has been recovered from the possessions of the petitioners who were sitting near Fuhidobh Bahiyar.

4. Learned counsel for the petitioner submits that petitioners are innocent and have falsely been implicated in this case by the



Police on the basis of secret information. The illicit liquor has been recovered from a place near Fuhidobh Bahiyar which is an open space accessible to all and sundry. The Police during search and seizure did not follow the provisions enshrined under Section 103 of the B.N.S.S.

5. Regard being had to the submissions advanced by the parties, taking into consideration the fact that petitioners appear to be habitual offender having five criminal antecedent of similar nature of offence and in view of Full Bench judgment rendered in Cr. Appeal (SJ) No. 431 of 2019 (Ram Vinay Yadav versus The State of Bihar), I am not inclined to extend the privilege of anticipatory bail to the petitioner. The same is rejected.

6. However, if the petitioner surrenders and seeks regular bail, the concerned court may consider the prayer for bail on the same day without being prejudiced by the fact that the present anticipatory bail application has been rejected by this court.

(Anil Kumar Sinha, J)

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