

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2016 of 2026

Arising Out of PS. Case No.-426 Year-2024 Thana- LADANIA District- Madhubani

1. Om Paswan @ Om Prakash Paswan Son of Matuk Paswan Resident of Village - Pathrahi, Sarsa, P.S. - Ladaniya, Dist. - Madhubani.
2. Barelal Paswan Son of Mushar Paswan Resident of Village - Pathrahi, Sarsa, P.S. - Ladaniya, Dist. - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bhavesh Kumar Sah, Advocate
		Mrs. Archana Anand, Advocate
For the Opposite Party/s	:	Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-01-2026 Heard Mr. Sheo Nandan Prasad, learned counsel for the petitioners and Mr. Kumar Ranjit Ranjan, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ladaniya P.S. Case No. 426 of 2024, F.I.R. dated 24.12.2024 for the offences punishable under Sections 274 and 275 of the B.N.S. and u/s 30(a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 130 litres of illicit country made liquor from the house of the petitioner and the co-accused person.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and the allegation alleged is false and fabricated and these petitioners have not committed any offence as in the F.I.R. From perusal of the F.I.R., it appears that altogether 10 litres each of local liquor has been recovered from the house of the petitioners and other co-accused persons and the recovery has been made from the joint house property and the petitioners are not the exclusive owner of house in question. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C./Section 103 of the BNSS and similarly situated co-accused persons, namely, Chandrakala Devi and Lalit Paswan have been granted anticipatory bail by this Court vide order dated 03.07.2025 passed in Cr. Misc. No. 25913 of 2025 and co-accused person, namely, Bahru Paswan has been granted anticipatory bail by a coordinate Bench of this Court vide order dated 01.05.2025 passed in Cr. Misc. No. 23067 of 2025. Learned counsel further submits that further He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances



and the fact that the petitioners have clean antecedent, nothing has been recovered from the conscious possession of these petitioners and similarly situated co-accused persons have been granted bail by this Court and coordinate Bench, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Act, Madhubani in connection with Ladaniya P.S. Case No. 426 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.



iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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