

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8863 of 2026

Arising Out of PS. Case No.-115 Year-2025 Thana- IMAMGANJ District- Gaya

Badhan Paswan @ Badhan Pasavan Son of Juga Singh @ Juga Pasawan RO
Village - Malhari, Kadirganj, P.S. - Imamganj, District - Gaya ji.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Syed Asgher Najmi, Advocate
	Mr. Ashutosh Kumar Mishra, Advocate
	Ms. Neha Kumari, Advocate
	Mr. Chandra Kishore Kumar, Advocate
For the Opposite Party/s :	Mr. Kanhiya Kishor, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Imamganj P.S. Case No. 115 of 2025 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act.

3. As per prosecution case, 70 litre illicit liquor was recovered from the forest area. Apprehended co-accused Malo Bhuiyan, Yadu Yadav and Mugeshwar Yadav disclosed the name of petitioner and others.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged



in the FIR and he has falsely been implicated in this case. He further submits that the place of recovery is an open place which is accessible to all and hence, petitioner cannot be held liable for the alleged recovery. Petitioner was not found at the place of occurrence and he has nothing to do with the alleged recovery. No incriminating article has been recovered from the conscious possession of the petitioner. Except disclosure of the apprehended co-accused persons, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Seizure list has not been made as per law. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner by submitting that petitioner is FIR named accused person and hence, he cannot escape from the allegation made in FIR.

6. Considering the facts and circumstances of the case, petitioner was not found at the place of occurrence, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into



consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, Gaya Ji in connection with Imamganj P.S. Case No. 115 of 2025, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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