

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9389 of 2026

Arising Out of PS. Case No.-381 Year-2023 Thana- SAHPUR District- Bhojpur

Raj Kumar Paswan Son of Vijay Paswan Resident of Village- Chotki
Nainizore, P.S.- Nainizore (Brahmpur), District- Buxar

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bibhakar Tiwary, Advocate Mr. Dilip Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr. Lalan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Shahpur (Karnamepur O.P.) P.S. Case No. 381 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, on the secret information 21.240 litre illicit English liquor was recovered from the motorcycle in question and co-accused Shailendra Tiwary @ Naga Tiwary, who was apprehended on spot, disclosed the name of the petitioner and others, who were said to have acted as liner.

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 petitioner was not found at the place of occurrence and nothing has been recovered from the conscious possession of the petitioner. It is submitted that the name of the petitioner has transpired only on the basis of disclosure made by the apprehended co-accused Shailendra Tiwary @ Naga Tiwary except disclosure of the said co-accused there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that petitioner is not the owner of the vehicle in question and has no concern with the alleged recovery. It is further submitted that the search and seizure was made on 23.08.2023 at 08:10 A.M. whereas the formal F.I.R. was lodged on 23.08.2023 at 10:40 A.M., i.e., after more than two hours from the alleged seizure which creates doubt on the truthfulness of the prosecution story. In the light of the aforesaid facts and circumstances of the case, petitioner cannot be held liable for the same and no offence is made out as alleged in the FIR against the petitioner. Apart from that petitioner bears no criminal antecedent.

5. 5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that the



petitioner is F.I.R. named accused hence, he cannot escape from the allegation made in the F.I.R.

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, Bhojpur at Ara in connection with Shahpur (Karnamepur O.P.) P.S. Case No. 381 of 2023, subject to the conditions as laid down under Section 482(2) of BNSS.

7. The application stands allowed.

(Alok Kumar Pandey, J)

Nilmani/-

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