

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10899 of 2026

Arising Out of PS. Case No.-294 Year-2025 Thana- DEV District- Aurangabad

Akshay Paswan Son of Umesh Paswan R/o Village - Pasiya, Bhandari, P.S. -
Deo, District - Aurangabad, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Adv

For the Opposite Party/s : Mr. Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 17-02-2026 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Dev P.S. Case No. 294 of 2025, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2022.

3. The case of the prosecution, in short, is that on secret information during patrolling that a tempo bearing registration number BR021PC-1940 was coming Bahuyara more is carrying illicit wine, the informant along with other police personnel reached the place of occurrence and saw that a tempo is coming towards them. Upon seeing the police persons, the tempo driver stopped the tempo and started fleeing away, but he was caught and disclosed his name as Surendra Kumar. On



search of the tempo, total 95 liters country made wine was recovered and accordingly seizure list has been prepared and on enquiry, the arrested person stated that the illicit wine has been loaded in his tempo by Akshay paswan (the petitioner herein) and Guddu Yadav.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. He further submits that the petitioner has been implicated only on the basis of statement made by co-accused. The petitioner has not arrested from the spot nor anything has been recovered from the conscious physical possession of the petitioner. He further submits that the petitioner has two criminal antecedents.

5. Learned A.P.P. for the State opposes the prayer of anticipatory bail.

6. Considering the fact that the petitioner was not present at the spot and nothing has been recovered from the conscious physical possession of the petitioner as also his name has surfaced on account of the statement made by co-accused, which does not carry evidentiary value, this Court is inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, named above, in the event of his



arrest or surrender before the Court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-cum-Exclusive Special Judge, Excise Court no. 01, Aurangabad, Bihar in connection with Dev P.S. Case No. 294 of 2025 , subject to the conditions laid down under section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 as also further condition that:-

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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