

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16679 of 2026

Arising Out of PS. Case No.-2142 Year-2025 Thana- Excise P.S. District- Muzaffarpur

Suresh Paswan S/o Aklu Paswan R/o Village - Sadatpur, P.S - Kanti, District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

3 20-05-2026 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Excise P.S. Case No. 2142 of 2025 registered for the offences punishable under sections 30(a), 32(3) of the Bihar Prohibition & Excise Act.

3. As per the prosecution story which has been lodged on the basis of the written report submitted by the informant to the effect that on 22.12.2025, she received a confidential information that one Suresh Paswan (petitioner) was selling and supplying liquor through motorcycle and after giving information to the Senior officials, the informant proceeded to verify the authenticity of the said information along with police party and reached near the place of occurrence. After seeing the



light of the vehicle, one person on motorcycle tried to escape, but fell down. However, taking advantage of the darkness, he fled away leaving the motorcycle. From the said motorcycle, 1.5 litres and from one hut 12.750 litres of Indian made foreign liquor was recovered.

4. The learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence. The petitioner has got no concern with the seized liquor and the hut does not belong to this petitioner from which the liquor was recovered. He further submits that petitioner was not apprehended at the spot, therefore, there is no question of recovery from conscious possession of the petitioner. The petitioner has got two criminal antecedent of similar nature and in both the cases he is on bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that the petitioner is accused in two cases of similar nature, therefore, he does not deserve the privilege of anticipatory bail.

6. Having heard the learned counsel for the parties and after going through the records, it appears that the petitioner was not apprehended at the spot. The petitioner has got no concern with seized liquor and the said hut does not belong to



this petitioner. Considering the same, let the above named petitioner, in the event of arrest/surrender within a period of six weeks, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. II, Muzaffarpur in connection with Excise P.S. Case No. 2142 of 2025, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 with further condition:

(i) The trial court shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedents, the court concerned shall take step for cancellation of bail bonds of the petitioner. 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.

(Ritesh Kumar, J)

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