

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21795 of 2026

Arising Out of PS. Case No.-33 Year-2026 Thana- DESARI District- Vaishali

1. Naresh Paswan son of Bramdeo Paswan @ Ballu Paswan @ Badlu Paswan Resident of village- Kharagpur Bhatauli, Ps- chandpura (Desari), Dist- Vaishali
2. Ajay Rai @ Ajay Kumar Son of Late Sher Bahadur Rai @ Late Ser Rai Resident of village- Bhikhanpura, Ps- chandpura (Desari), Dist- Vaishali
3. Samarjeet Rai son of Kapal Rai Resident of village- Bhikhanpura, Ps- chandpura (Desari), Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nidhi Anand, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-04-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending arrest in connection with Desari (Chandpura) P.S. Case No. 33 of 2026 lodged on 28.01.2026, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution, FIR has been lodged against three named accused persons (present petitioners). Total recovery of 240 litres of illicit liquor has been made, which is the subject matter of the present case.



4. Learned counsel for the petitioners submit that the petitioners are innocent and have committed no offence. Counsel submits that nothing has been recovered from the conscious possession of the petitioners and they are also not apprehended from the place of occurrence and the alleged recovery has been made from an open place. Counsel further submits that the petitioner no.1 has clean antecedent, whereas, the petitioner nos. 2 & 3 have two criminal antecedents each. Counsel further submits that petitioners are ready to fulfill all the conditions whatsoever shall be imposed upon them.

5. Learned APP for the State opposes the prayer for bail of the petitioners and submits that the petitioner no.1 has clean antecedent, whereas, the petitioner nos. 2 & 3 have two criminal antecedents each.

6. As such, in the present facts and circumstances of this case, let the petitioner no.1 namely, Naresh Paswan be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the B.N.S.S., 2023 to the satisfaction of Exclusive Special Excise Court No.1-cum-Additional District & Sessions Judge, Vaishali at Hajipur, in



connection with Desari (Chandpura) P.S. Case No. 33 of 2026, subject to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

7. So far as petitioner no.2 namely, Ajay Rai @ Ajay Kumar and petitioner no.3 namely, Samarjeet Rai are concerned, this Court is not inclined to grant bail to them. Accordingly, the prayer for anticipatory bail of the petitioner nos. 2 & 3 are hereby rejected.

8. However, if petitioner nos. 2 & 3 surrenders before the concerned Trial Court within a period of 4 weeks from today then in that case, the Trial Court is directed to pass order on their surrender-cum-bail application on the same day, without being prejudice that the anticipatory bail of the petitioner nos. 2 & 3 have been rejected by this Court and the Trial Court shall pass order on the merit of this case.

(Dr. Anshuman, J)

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