

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23602 of 2026

Arising Out of PS. Case No.-564 Year-2025 Thana- PAKRIDAYAL District- East Champaran

1. Kamlesh Kumar @ Kamlesh Paswan S/o Ramjanam Paswan Resident of village- Dhanauji ward no 04, P.s.- Pakaridayal, District- East Champaran at motihari
2. Birendra Paswan S/o Late Ramshish Paswan Resident of village- Dhanauji ward no 04, P.s.- Pakaridayal, District- East Champaran at motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

2 16-04-2026 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 in connection with Pakaridayal P.S.Case No. 564 of 2025.

3. As per allegation, the petitioners were engaged in illegal manufacturing and selling of country-made liquor near a pond, situated at Dhanauji Sareh. In presence of two independent witnesses, search was conducted and 100 litres of illicit country-made liquor was recovered from near the said pond.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case on account of dirty village politice and nothing incriminating articles have been recovered from the conscious physical possession of the petitioners.

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

6. Considering the fact that the petitioners were not apprehended on the spot and no recovery of liquor has been made from the conscious physical possession of the petitioners, and also it appears that the liquor has been recovered from an open place from a plastic sack from the bank of the pond, which cannot be attributed to the petitioners and, therefore, I am inclined to grant privilege of anticipatory bail to both the petitioners.

7. Let the petitioners, as named above, in the event of their arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction learned Exclusive Special Excise Court No. 3, East Champaran at Motihari in connection with Pakaridayal P.S.Case No. 564 of 2025, subject to the conditions laid down



under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to further condition that :-

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

(ii) the learned court would, however, verify the criminal antecedents of the petitioners and in case it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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