

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25514 of 2026

Arising Out of PS. Case No.-67 Year-2026 Thana- HAJIPUR SADAR District- Vaishali

1. Gyandev Paswan @ Gyani Paswan Son of Baleshwar Paswan Resident Of Village - Bishanpur, Basant Subhai, P.S. - Hajipur Sadar, Dist. - Vaishali.
2. Rohit Kumar @ Rahul @ Mugdun Son of Gyandev Paswan @ Gyani Paswan Resident Of Village - Bishanpur, Basant Subhai, P.S. - Hajipur Sadar, Dist. - Vaishali.
3. Rohan Kumar Son of Gyandev Paswan @ Gyani Paswan Resident Of Village - Bishanpur, Basant Subhai, P.S. - Hajipur Sadar, Dist. - Vaishali.
4. Rakesh Kumar @ Rakesh Paswan Son of Baleshwar Paswan Resident Of Village - Bishanpur, Basant Subhai, P.S. - Hajipur Sadar, Dist. - Vaishali.
5. Manoj Paswan @ Manoj Kumar Paswan Son of Baleshwar Paswan Resident Of Village - Bishanpur, Basant Subhai, P.S. - Hajipur Sadar, Dist. - Vaishali.
6. Lalbabu Paswan Son of Baleshwar Paswan Resident Of Village - Bishanpur, Basant Subhai, P.S. - Hajipur Sadar, Dist. - Vaishali.
7. Kundan Kumar @ Kundan Paswan Son of Lalbabu Paswan Resident Of Village - Bishanpur, Basant Subhai, P.S. - Hajipur Sadar, Dist. - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivjee Singh
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-04-2026 Heard the parties.

2. The petitioners are apprehending their arrest in connection with Hajipur Sadar P.S. Case No. 67 of 2026, for the offence under sections 126(2), 115(2), 132, 352, 351(2), 351(3), 3(5) of B.N.S., 2023 corresponding to Section 341, 323, 353, 504, 506, 34 of the Indian Penal Code and Sections 30(a), 45 of the Bihar Prohibition and Excise Act, 2022 lodged on



30.01.2026 by the informant, Sanjeev Kumar.

3. As per the F.I.R., the on information police raided the house of Gyandev Paswan (petitioner No.1) and recovered / seized 12.05 litres country-made liquor from his hut, however, Gyandev Paswan refused to sign the seizure list and his family members ensures that he escaped. This led to the FIR.

4. Learned counsel for the petitioners submits that the police planted the story and implicate the entire family members in this case. Learned counsel further submits that the petitioners have no criminal antecedent.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned counsel for the petitioners further submits that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioners



submits that he intends to contribute Rs.1000/- each (totalling Rs. 7000/-) to the Chief Minister's Relief Fund.

7. Learned APP opposes the prayer submitting that two fold allegation is of seizure from the hut of petitioner No.1 followed by prohibiting the police from doing their duty against the other petitioners.

8. Taking into account the submissions of the parties as also nothing has been recovered from conscious possession of the petitioner and there is omnibus allegation against all of them and also the case of **Ram Vinay Yadav (supra)**, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

9. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.I-cum-Additional District and Sessions Judge, Vaishali at Hajipur, Hajipur Sadar P.S. Case No. 67 of 2026, with a condition that subject to payment of Rs.7000/- to the Chief Minister's Relief Fund and subject to the further following conditions :-

(i) one of the bailor should be the family



member/relative of the petitioners who shall provide official document (Aadhaar Card/Voter ID Card/Pan Card/Driving) to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for six months to mark their attendance and after the end of the period, the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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