

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27479 of 2026

Arising Out of PS. Case No.-425 Year-2025 Thana- RAJAPAKAR District- Vaishali

Nagendra Paswan S/o Late Machhu Paswan R/o vill - Bakarpur (Bishanpur Sad), P.S.- Rajapakar, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Adv.

For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

3 13-05-2026 Heard Mr. Ranjit Kumar Thakur, learned counsel for the petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Rajapakar P.S. Case No. 425 of 2025 for the offence punishable under sections 274, 275 of BNS and section 30(a) of Bihar Prohibition & Excise Act, by the informant.

3. As per the prosecution case, there has been recovery of 108 litres of illicit liquor allegedly from the Motorcycle bearing Registration No. BR01JH-6124 kept in a sack.

4. Learned counsel for the petitioner submits that neither the recovered illicit liquor belongs to this petitioner nor the motorcycle wherefrom the recovery has been done. The petitioner has been made accused in this case on the basis of disclosure made by the local *Chowkidar* due to local village



politics. It has further been submitted that the petitioner is in no way connected with the said seizure and nothing incriminating has been recovered from his constructive possession. Learned counsel fairly submits that the petitioner has got two similar nature of criminal antecedents and he is on bail in both of the cases.

5. Learned APP opposes the prayer submitting that the petitioner has got two criminal antecedents akin to the present case which shows that he is a habitual offender, as such, he does not deserve the privilege of anticipatory bail.

6. Considering the fact that the recovery has not been made from the constructive possession of this petitioner and the motorcycle from where the seizure is said to have been made does not belong to him, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner, above named, be released on bail in the event of arrest or surrender within a period of six weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court-II-cum-District & Additional Sessions Judge, Vaishali at Hajipur in connection with aforesaid PS Case, subject to the



conditions as laid down under Section 482(2) of the BNSS as well as the following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) 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/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

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

(Ajit Kumar, J)

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