

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26994 of 2026

Arising Out of PS. Case No.-59 Year-2026 Thana- BARGAINIA District- Sitamarhi

JITENDRA PASWAN @ JITENDRA KUMAR Son of Late Mahendra
Paswan Resident of Village Musachak Balua Tola, P.S.- Bairgania, District -
Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 22-04-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection
with Bairgania P.S. Case No. 59 of 2026 lodged on 01.03.2026,
for the offence punishable under Sections 126(2), 115(2), 132,
352, 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023 and
section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. As per the prosecution, FIR has been lodged against
two named accused persons including the present petitioner and
12-15 unknown persons. Total recovery of 20.94 litres of illicit
liquor has been made, which is the subject matter of the present
case.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that nothing has been recovered from the conscious possession of the petitioner and the alleged recovery has been made from an open wheat field which is accessible to public. Counsel further submits that the police have adopted a vindictive attitude towards the petitioner on the ground that his criminal antecedents are not clean, as there are five cases pending against him, in which, in four cases, he is on bail and in one case, he is acquitted. Counsel submits that none of those pending cases are related to excise matter.

5. Learned APP for the State opposes the prayer for bail of the petitioner but fairly submits that as per para 3 of the bail application, it transpires that though, there are five cases pending against the petitioner, but none of them are related to excise matter.

6. As such, in the present facts and circumstances of this case, let the above named petitioner 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, Sitamarhi,
in connection with Bairgania P.S. Case No. 59 of 2026 , subject
to the conditions as laid down U/s 482(2) of the B.N.S.S., 2023.

(Dr. Anshuman, J)

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