

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30544 of 2026

Arising Out of PS. Case No.-46 Year-2026 Thana- Pachpakdi District- East Champaran

Mukesh Paswan Son of Late Bunilal Paswan Resident of Village - Bhandar,
Police Station - Pachpakri, District - East Champaran at Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 18.03.2026 in connection with Pachpakri P.S. Case No. 46 of 2026 for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2022 and Sections 20(ii)(a) and 22(a) of the NDPS Act.

3. The case of the prosecution, in brief, is that on 17.03.2026, the informant received secret information that the petitioner carrying contraband and foreign liquor on a bicycle. It is next alleged that for the purpose of verification informant along with police personnel proceed to alleged place, upon seeing the police party he tried to flee way; however he was intercepted, and the occupant disclosed his name as Mukesh Paswan. In the absence of independent witnesses, a search was conducted, during which 6.6 liters Nepali liquor, and 33 grams Ganja were allegedly recovered from the petitioner.



4. Learned counsel for the petitioner submits that it appears from the FIR and seizure list that altogether 6.6 liters of Nepali liquor and 33 grams Ganja were recovered from the conscious possession of the petitioner. It is next submitted that from perusal of the seizure list it appears that the seizure list witnesses are police personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and apart from that seized contraband is less than small quantity and there is no embargo of Section 37 of the NDPS Act to enlarge the petitioner on bail and petitioner is in custody since 18.03.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that petitioner has antecedent of three cases other than the present case but fairly submits that petitioner is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court of Exclusive Special Excise Court No. 1, Civil Court, East Champaran at Motihari in connection with Pachpakri P.S. Case



No. 46 of 2026, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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