

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30464 of 2026

Arising Out of PS. Case No.-55 Year-2026 Thana- BELSAND District- Sitamarhi

1. Kaushal Paswan S/o Late Mahendra Paswan Resident of Village- Saraiya Ward No.13, P.S.- Belsand, District - Sitamarhi
2. Indrajeet Paswan @ Indrajeet Kumar S/o Subindra Paswan Resident of Village- Saraiya Ward No.13, P.S.- Belsand, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-05-2026 Heard the parties.

2. The petitioners apprehend their arrest in connection with Belsand P.S Case no. 55/2026 for the offence registered under sections 30(a) of Bihar Prohibition and Excise Act.

3. As per the prosecution story, the Police reached near the ITI College and near the water tank, there is recovery/seizure of 11 liter country made liquor. The *Chowkidar* gave the name of the persons who escaped, petitioners included. This led to the FIR.

4. Learned counsel for the petitioners submit that only because of the criminal antecedent of one of the petitioner and enmity with the Chowkidar, they have been implicated. They



undertake not to indulge in any criminal activity, if granted relief.

5. Further, learned counsel for the petitioners 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 APP opposes the prayer submitting that *Chowkidar* has named them.

7. Taking into account the submissions of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from their conscious possession, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

8. 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) with two sureties of like amount each to the



satisfaction of learned Exclusive Special Excise Court No. II, Sitamarhi in connection with Belsand P.S Case no. 55/2026 subject to the following conditions:

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

(ii) the petitioner(s) shall be appearing before the Police Station as and when required for co-operating in the investigation;

(iii) 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 their bail bond by the Trial Court itself;

(iv) the petitioners shall appear before the concerned police station every fortnight for six months to mark his 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;

(v) the petitioner 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;



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

(Rajiv Roy, J)

Vijay Singh/-

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