

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30586 of 2026

Arising Out of PS. Case No.-677 Year-2026 Thana- Excise P.S. District- Sitamarhi

Mukul Paswan Gajendra Paswan Resident of Village - Riga, Ward No.3, P.S.-
Riga, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-05-2026

1. Heard the parties through virtual mode.

2. The petitioner is apprehending arrest in connection with Excise Sitamarhi P.S. Case No. 677 of 2026 instituted under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, on 16.03.2026 at about 06:00 P.M., the armed forces, during routine checking near Border Pillar No. 337/14, intercepted a motorcycle bearing Chassis No. MBLHAW235PHD83832 and upon search, recovered 36 liters of illegal Nepalese liquor from its possession. It further transpires from the FIR as well as the seizure list that the petitioner is the registered owner of the aforesaid seized motorcycle, which was allegedly being used in transportation of the contraband liquor. This led to the FIR.



4. Learned counsel for the petitioner submits that he has no criminal antecedent, the motorcycle was merely parked, it is owned by him and no recovery has been attributed to him in the present case.

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 APP, Mr. Manoj Kumar opposes the prayer for anticipatory bail.

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 his conscious possession of the petitioner, in that background this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court 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 the like amount each in connection with Excise Sitamarhi P.S. Case No. 677 of 2026 to the satisfaction of learned Exclusive Special Excise Court No. II, Sitamarhi subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) the petitioner shall be appearing before the police station as and when required for cooperating in the investigation;

(iii) the petitioner 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;

(iv) the petitioner shall appear before the concerned police station every day for one month and later every fortnight for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation



of 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 his bail bonds.

(Rajiv Roy, J)

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