

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 30509 of 2026

Arising Out of PS. Case No.-38 Year-2026 Thana- Nagara District- Saran

Achchelal Paswan @ Achchelal Manjhi S/o- Late Jharilal Paswan R/village -
Nagra Ke Tola P.S. - Nagra, Dist. - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arjun Prasad

For the Opposite Party/s : Mr. Pronoti Singh

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
21.03.2026 in connection with Nagra P.S. Case No. 38 of 2026
for the offences punishable under Sections 30(a) and 32(3) of
Bihar Prohibition and Excise Amendment Act, 2022.

3. The case of the prosecution, in brief, is that on 20-
03-2026, on secret information, in course checking at Nagar
Chowk, the police apprehended a person with illicit liquor.
Upon inquiry the apprehended accused disclosed his name as
Achchelal Paswan (Petitioner here). On searching, the police
recovered total 14 litres of illicit country made liquor from the
possession of the petitioner, Thereafter police seized the illicit
liquor and prepared seizure list at presence of two witnesses



from raiding party.

4. Learned counsel for the petitioner submits that it appears from the FIR and seizure list that 14 litres of illicit country made liquor was recovered from the house of the petitioner. It is next submitted that from perusal of the seizure list it appears that the seizure list witnesses are Bihar Home Guard personnel so there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 21.03.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner and submits that recovery has been made from the house of the petitioner and apart from that petitioner has antecedent of one case other than the present case but fairly submits that petitioner is on bail in the pending matter.

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 3rd Exclusive Special Excise Court, Saran at Chapra in Nagra in connection with Nagra P.S. Case No. 38 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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