

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33187 of 2026

Arising Out of PS. Case No.-30 Year-2026 Thana- EXCISE ROSERA District- Samastipur

1. Bablu Paswan @ Bablu Kumar S/o Daani Paswan R/O Vill.- Paroriya, P.S.- Hasanpur, Dist.- Samastipur.
2. Sujit Paswan @ Ravindra Paswan S/O Daani Paswan R/O Vill.- Paroriya, P.S.- Hasanpur, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Ms. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-05-2026 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a) and 30(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of one case under the Excise Act and petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 15 litres of liquor from a semi constructed hut of the petitioners.

4. Learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and the hut was under construction, as such, no one was staying in the hut and, hence, was accessible to villagers at large. It is further submitted that it appears that someone inimical to the family, concealed meager amount of liquor with an intent to implicate the entire family members of the petitioners. It is next submitted that no prudent person would use his own premises for committing an occurrence and, thus, would create evidence against himself and, hence, would get implicated.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel appearing on behalf of the petitioners, let the petitioners, above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Rosera Excise P.S. Case No. 30 of 2026, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.



7. However, it is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and if it is found that petitioner no. 1 has antecedent of more than one case and petitioner no. 2 has antecedent of even one case, it would be presumed that petitioners had concealed their antecedent before this Court, at para 3 of the anticipatory bail application, in that event, the provisional anticipatory bail order shall not be confirmed, but, if it is found on verification that petitioner no. 1 has antecedent of only one case and petitioner no. 2 is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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