

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32017 of 2026

Arising Out of PS. Case No.-145 Year-2026 Thana- Excise P.S. District- Madhubani

Dhanik Lal Paswan, S/o Rajdeo Paswan, R/o Village - Marar, Ward No. 04,
(Jagatpur), P.S - Rahika, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-05-2026

1. Heard the parties

2. The petitioner seeks regular bail in connection with

Sadar Excise P. S. Case No. 145 of 2026 arising out of G.O.

Case No. 923 of 2026 registered for the offence punishable

under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in the

present case due to village rivalry and previous enmity. It is

submitted that no incriminating article has been recovered from

the conscious possession of the petitioner and the alleged

recovery was made from a joint family house. Learned counsel

further submits that after amendment in the Excise Act, the

concept of deemed possession no longer survives and it cannot

be said with certainty that the seized liquor was within the

exclusive knowledge or possession of the petitioner. It is also



submitted that both seizure witnesses are members of the raiding party and the mandatory provisions of Section 103 of the BNSS have not been complied with. Learned counsel further submits that the petitioner has only one antecedent in which he is already on bail and is in custody since 05.04.2026.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. In the facts and circumstances of this case and considering the statements made in the petition as well as above submissions, coupled with the fact that regarding the place of recovery which is said to be the house of this petitioner, a plea has been taken that the same was in joint possession of all the family members of the petitioner at the time of recovery, this court is inclined to enlarge the petitioner on bail, accordingly, let the petitioner named-above be enlarged on bail in connection with Sadar Excise P. S. Case No. 145 of 2026 arising out of G.O. Case No. 923 of 2026 on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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