

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32514 of 2026

Arising Out of PS. Case No.-109 Year-2025 Thana- Bhopatpur District- East Champaran

1. Phuldev Paswan Son of Jagat Paswan Resident of Village -Bhopatpur, Paswan Toli, PS- Bhopatpur, Dist- East Champaran
2. Jitan Devi Wife of Bhagwan paswan Resident of Village -Bhopatpur, Paswan Toli, PS- Bhopatpur, Dist- East Champaran
3. Prabhu Paswan Resident of Village -Bhopatpur, Paswan Toli, PS- Bhopatpur, Dist- East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 13-05-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Bhopatpur PS Case No.109 of 2025 dated 12.10.2025, instituted under Sections 30(a), 32, 41(1) of the Bihar Prohibition and Excise Act, 2022.

3. The allegation is of recovery of 20 litres of illicit country-made liquor from the house of petitioner no.1, 20 litres from the house of petitioner no.2 whereas 25 litres from the



house of petitioner no.3.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and nothing incriminating has been recovered from their conscious possession. It is submitted that at the time of the alleged raid the petitioners were not present in their houses and they have been falsely implicated only on account of arbitrariness of the police officials. It is further submitted that the mandatory requirement of Section 105 of the *BNSS*, 2023 has not been followed during the alleged search and seizure. Learned counsel further submits that there is no independent witness to corroborate the prosecution story and the petitioners have clean antecedents.

5. Learned APP has opposed the prayer for bail and submits that in view of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, the anticipatory bail application is not maintainable.

6. Considering the nature of allegation and the recovery of illicit country-made liquor from the houses of the petitioners, this Court is not inclined to grant the privilege of anticipatory bail to the petitioners.

7. Accordingly, prayer of the petitioners for grant of anticipatory bail is rejected.



8. The application stands dismissed.

(Khatim Reza, J)

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