

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33400 of 2026

Arising Out of PS. Case No.-2192 Year-2025 Thana- Excise P.S. District- Muzaffarpur

Shankar Paswan, Son of Rameshwar Paswan, Resident of village - Goriya,
P.S.- Turki, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ayush Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-05-2026 Heard the parties.

2. The petitioner apprehends his arrest in connection with Muzaffarpur Excise P.S. Case No. 2192 of 2025 registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition and Excise Act (in short ‘ Excise Act’).

3. Mr. Ayush Kumar, learned counsel appearing for the petitioner, submits that the case of the prosecution is that one person was found riding a motorcycle and the alleged liquor was recovered from his possession. It is not the case of the prosecution that more than one person was riding the motorcycle at that time. Though the petitioner is shown as the registered owner of the seized motorcycle in the registration document but in fact, he had sold the said motorcycle to co-accused Vinod Kumar on 14.12.2024, who was apprehended at



the spot. In this regard, a copy of the sale letter has been filed with this petition as Annexure-P/2. It is further submitted that the petitioner has no criminal antecedent and has been made an accused mainly on account of his being the registered owner of the motorcycle in the registration document. Further, the apprehended co-accused did not disclose any role of the petitioner in the trafficking of the alleged liquor when he was apprehended by the police. Hence, the alleged offences under the Excise Act, for which the FIR has been registered, are not attracted even *prima facie* against the petitioner, and therefore, his prayer is not hit by the provisions of Section 76(2) of the Excise Act.

4. Though the learned APP for the State has opposed the prayer for bail of the petitioner but he fairly accepts that only one person, namely the co-accused Vinod Kumar, was riding the alleged motorcycle and was apprehended with the alleged liquor.

5. In the facts and circumstances of this case and considering the statements made in the petition as well as the above submissions, this Court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest or surrender before the



learned Court below within a period of six weeks from today, be released on anticipatory bail 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 in connection with Muzaffarpur Excise P.S. Case No. 2192 of 2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Shailendra Singh, J)

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