

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32371 of 2026

Arising Out of PS. Case No.-60 Year-2026 Thana- SHIKARGANJ District- East Champaran

1. Abhimanyu Paswan @ Manu Paswan @ Abhimanyu Kumar son of Rajdev Paswan @ Rajdev Hajra Resident of village- Semra Ps -Chiraiya District -East Champaran
2. Hiranman Paswan son of Ramchandra Paswan @ Chandar paswan Resident of village- Semra Ps -Chiraiya District -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ujjwal Kumar Singh
For the Opposite Party/s :	Mr. Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 13-05-2026 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 274 and 275 of the BNS, 2023 read with Sections 30(a), 32 and 41(1) of the Bihar Excise Act.

3. Learned counsel for the petitioners submits that petitioner no. 1 has antecedent of five cases under the Excise Act, as would manifest from supplementary affidavit and petitioner no. 2 is a person with clean antecedent and allegation is of recovery of 105 liters of liquor from bank of a river.



4. Learned counsel for the petitioners submits that petitioners were not apprehended from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to public at large and they came to be implicated at the instance of Chowkidar with whom petitioner no. 1 is on an inimical term. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of *Chowkidar*, local person, confessional statement or secret information without holding a proper investigation.

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 for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Trial Court within a period of six weeks from today, be released on **Provisional anticipatory bail** on furnishing bail bonds of Rs. 25000/- (Rupees Twenty 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 Shikarganj P.S. Case No. 60 of 2026 subject to the



conditions as laid down under Section 482 (2) of the BNSS.

7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner no. 1 has antecedent of more than five cases and petitioner no. 2 has antecedent of even one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his antecedent, but after verification if it is found that petitioner no. 1 has antecedent of five cases only and petitioner no. 2 is a person with clean antecedent in that event the provisional anticipatory bail order shall be confirmed forthwith.

8. The learned counsel for the petitioners produces office copy of supplementary affidavit which is taken on record.

9. The office is directed to trace the supplementary affidavit and place it with the case record.

(Satyavrat Verma, J)

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