

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35421 of 2026

Arising Out of PS. Case No.-463 Year-2025 Thana- KOTWA District- East Champaran

1. Chandan Thakur son of Surendra Thakur Resident of village- Amawa P.S.- Kotwa Dist -East Champaran
2. Shashi Ranjan Paswan Son of Mohan Paswan Resident of village- Amawa P.S.- Kotwa Dist -East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Opposite Party/s : Mr. Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-07-2026 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kotwa P.S. Case No. 463 of 2025 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

3. The prosecution story in short is that Informant A.S.I has submitted written application to S.H.O Kotwa P.S with allegation that on 28.12.26-10:45A.M. I along with police forces, I left the police station for patrollin meantime I received secrete information when I reached at Dumara Chow Akash Kumar selling wine in new constructed house. It is further stated



that I informed higher officials and reached on spot for verification of the information meantime I see five persons have started to flee to see police party. It is further stated that we have made all affords to catch to them but persons have managed to escape but caught one persons who has disclose his name as Akash Kumar and rest accused. It is further stated that local person were gathered their not ready to make witness due to fear than two persons from raid team selected and made independent witness. It is further stated that search has made and total 98.28 liters English wine and twenty five thousand rupees recovered his possession. It is further stated that seizer list has prepared and taken signature of the accused and given a copy to him.

4. Learned counsel for the petitioners submits that the petitioner no. 1 has clean antecedent and petitioner no. 2 has one criminal antecedent other than the present case and they have falsely been implicated in the present case. Learned counsel for the petitioners submits that name of the petitioners have transpired on the basis of disclosure made by the apprehended co-accused person, namely, Akash Kumar. Learned counsel for the petitioners further submits that it appears from the FIR and seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made



from the house of co-accused person, namely, Akash Kumar and except the aforesaid nothing has come during the investigation to suggest the involvement of the petitioners in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioners referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable.

6. This court is aware of the decision of the Full Bench in the case of Ram Vinay Yadav vs. State of Bihar reported in 2019(2) P.L.J.R. 1089. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioners.

7. Considering the aforesaid facts, nothing has been recovered from conscious possession of the petitioners and name of the petitioners have transpired on the basis of disclosure made by the apprehended co-accused person, namely, Akash Kumar, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period



of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court No.-I, East Champaran at Motihari in connection with Kotwa P.S. Case No. 463 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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