

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35351 of 2026

Arising Out of PS. Case No.-25 Year-2026 Thana- Mathurapur District- Samastipur

Alakh Paswan S/o Late Ramchandra Paswan Resident of Village- Hansa, P.S.-
Mathurapur, District- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Adv.

For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 01-06-2026 Heard Mr. Mahendra Pratap, learned Advocate for the
petitioner and Ms. Anita Kumari, learned Additional Public
Prosecution for the State through virtual mode.

2. The petitioner apprehends his arrest in connection
with Mathurapur P.S. Case No. 25 of 2026, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
& Excise (Amendment) Act.

3. Acting on a tip off, regarding concealment of illicit
wine, the police conducted a raid in the under constructed house
of the petitioner. However, noticing the police party, the persons
who were assembled there, succeeded in fleeing away. On
search, total 15 litres of country-made illicit liquor was
recovered.

4. Learned Advocate for the petitioner taking this



Court to the search and seizure memo submitted that admittedly the alleged recovery has been made from an under constructed house and as such, the petitioner cannot be held responsible for any recovery. Further contended that the witnesses are none else but the police personnels and as such, there is clear defiance of Section 103 of the B.N.S.S. The petitioner bears fair antecedent and moreover, there is no materials collected during the course of investigation, which suggests the complicity of the petitioner in the crime.

5. On the other hand, learned Advocate for the State vehemently opposed the bail application and submits that besides the recovery of 15 litres country-made illicit liquor, there is a bar created under Section 76(2) of the Bihar Prohibition & Excise Act to maintain anticipatory bail.

6. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that the alleged recovery has been made from an under constructed house and there is no cogent material which attract the rigors provided under Section 76(2) of the Bihar Prohibition & Excise Act, as also fair antecedent of the petitioner, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within



a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise-II, Samastipur in connection with Mathurapur P.S. Case No. 25 of 2026, subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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