

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36042 of 2026

Arising Out of PS. Case No.-1 Year-2026 Thana- Excise P.S. District- Supaul

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Amit Kumar Paswan @ Amit Kumar S/O Late Ramnath Paswan R/O Village-
Malhad, Ward no. 16, P.S.- Supaul, District- Supaul, Bihar- 852131.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-06-2026 The Court proceeding is being conducted through
virtual mode.

2. Heard learned counsel for the petitioner and learned
APP for the State.

3. The petitioner is apprehending arrest in connection
with Supaul Prohibition P.S. Case No. 01 of 2026 corresponding
to S.T. Excise No. 63 of 2026, dated 01/01/2026, lodged under
Sections 30 (a), 37 and 45 of the Bihar Prohibition and Excise
(Amendment) Act, 2022 pending before the Court of Exclusive
Special Excise Court No. - 02, Supaul.

4. As per the prosecution, total recovery of 1.875 litres
of illicit liquor has been made, which is the subject matter of the
present case.

5. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel further submits that the criminal antecedent of the petitioner is not clean, as five criminal cases are pending against him, in which he is on bail. However, it has not been mentioned in the FIR as to how the name of the petitioner has surfaced in the present case. Counsel further submits that the petitioner is in no way related to the accused, Nikki Devi, but his name has been added only for the reason that his name figured in earlier criminal cases. Counsel submits that the petitioner is ready to fulfil all the conditions whatsoever shall be imposed upon him.

6. Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the present case has been lodged in the year 2026 with specific allegations that the accused persons had attacked the police party in discharge of their official duties. Counsel further submits that the name of the petitioner has surfaced only after verification of the recording made under Section 105 of the BNSS, 2023. Therefore, the allegation against the petitioner cannot be said to be false. He further submits that a copy of the miscellaneous application has been filed in which it has been disclosed how the names of other eight persons have been indicated and they have been identified in the recording made under Section 105 of the BNSS, 2023.



7. Considering the facts and circumstances of the present case, particularly that the name of the petitioner has not been mentioned, rather he has been identified in the recording under Section 105 of the BNSS, 2023, which is part of the FIR and is present on the record, this Court is not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Dr. Anshuman, J.)

Aman Kumar/-

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