

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38801 of 2026

Arising Out of PS. Case No.-163 Year-2026 Thana- NARPATGANJ District- Araria

Sunil Paswan S/O Devan Paswan R/O Village- Ganeshwar, PS- Bampantha,
Distt- Baleshwar(Odisha) Permanent R/O Village- Maheshi, PS- Sultanganj,
Distt- BHagalpur(Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey

For the Opposite Party/s : Mr. Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-06-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
05.04.2026 in connection with Narpatganj P.S. Case No. 163 of
2026 for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise Act.

3. That the Prosecution Story as described in the F.I.R.
in Connection with Narpatganj P.S. Case No. 163/2026, in brief
is as follows :---

i.) That one Dhanjee Kumar, S.I. of Narpatganj P.S.
gave a written report alleging therein that on 04.04.2026 at
about 8.30 hours, information was received from the Prohibition
Excise Department, Patna, that a red - green Coloured Container



Vehicle with registration No. 0D01J6555 is coming from Siliguri side in which liquor is to be present. For verification of the information and necessary action, he along with Police Personal Vehicle were being checked on N H 27 from Siliguri to Patna.

ii.) That it has been further stated in his written report that at about 11.40 A.M. a red green Container Vehicle with Reg. No. 0D01J6555 was seen speeding from Araria Forbesganj on NH-27. As soon as it reached the Police Force, the Vehicle was stopped and brought it to the Police Station. On asking he disclosed his name as Sunil Paswan. In presence of two witnesses he searched the Vehicle bearing Reg. No. OD-01J-6555 and recovered total 1440 liters Indian made foreign Liquor inside the cabin of the Vehicle. Thereafter the recovered Liquor was seized and accordingly Seizure list was prepared.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and has falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioner has not committed any offence as alleged in the FIR. It is further submitted 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 truck in question and petitioner is not the owner of the truck in question. Learned counsel for the petitioner next submits that there is non-compliance of mandatory provisions of Sections 103 and 105 of BNSS, 2023 and petitioner is in custody since 05.04.2026.

5. The learned Additional Public Prosecutor for State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 Exclusive Special Judge Excise-I, Araria in connection with Narpatganj P.S. Case No. 163 of 2026 subject to the following conditions:-

i. Petitioner 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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