

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40239 of 2026

Arising Out of PS. Case No.-95 Year-2026 Thana- Excise P.S. District- Darbhanga

Kailash Paswan @ Kailash, S/o Ram Sharan Paswan, R/o Village-Rasalpur
Nista, P.S.- Singhwara, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Chitransh Raj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-06-2026 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner is not named in the FIR
and apprehending his arrest in connection with Sadar Excise
P.S. Case No.95 of 2026 registered under Sections 30(a) of
the Bihar Prohibition and Excise Act.

3. Allegation against the petitioner is to engage in
illegal trade/manufacturing of illicit liquor, where there is
recovery of 16 liters of IMFL/country-made liquor.

4. It is submitted by learned counsel appearing
appearing for the petitioner that the recovery of alleged illicit
liquor was not made from conscious possession of this
petitioner. It is submitted that the petitioner was implicated



with present case being the registered owner of the Bajaj Discover motorcycle from where alleged recovery of illicit liquor was made. It is submitted that the petitioner has provided his motorcycle to co-accused Rohit Kumar in good faith. It is submitted that co-accused Rohit Kumar got apprehended by the police with the bike of petitioner carrying illicit liquor. The petitioner claimed clean antecedent.

5. Learned APP opposed the prayer of anticipatory bail to the petitioner.

6. In view of aforesaid factual submissions and by taking of note of fact as recovery of illicit liquor *prima facie* not appears to be made from physical possession of this petitioner, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge-1st (Excise Act), Darbhanga in connection with Sadar Excise P.S. Case No.95



of 2026, subject to the conditions as laid down under
Section 438(2) of the CrPC/under Section 482(2) of the
BNSS.

(Chandra Shekhar Jha, J.)

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