

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43925 of 2026

Arising Out of PS. Case No.-172 Year-2026 Thana- RAJAPAKAR District- Vaishali

Nunu Paswan @ Mahesh Paswan @ Kallu Paswan Son of Sarikhan Paswan
Resident of Village- Rampur Dilawar, Ward No. 10 Baikunthpur, P.S.-
Rajapakar, District- Vaishali, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rupa Kumari, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 08-07-2026 Heard Mrs. Rupa Kumari, learned counsel for the
petitioner and learned counsel representing the State.

2. The petitioner is apprehending arrest in connection with Rajapakar P.S. Case No. 172 of 2026 instituted under Section 30(a) of the Bihar Prohibition and Excise Amendment Act 2022 lodged on 05.04.2026 by the informant, Gauri Shankar.

3. As per the prosecution story, the informant alleged that on secret information, the place was raided and near the fire-wood, there is recovery/seizure of 30 liters of country made liquor, This led to the FIR.

4. Learned counsel for the petitioner submits that from perusal of the FIR would show that recovery/seizure is



from an open place not from his conscious possession and only because of criminal antecedent, got implicated.

5. Further, learned counsel for the petitioner relied on the judgment of the Full Bench of Hon'ble Patna High Court in the case of **Ram Vinay Yadav vs. State of Bihar** reported in **2019 (2) PLJR 1089** wherein it has been held that an application for anticipatory bail in a case arising out of Bihar Excise and Prohibition Act can be maintained, despite the bar under Section 76(2) of the Act, if on the basis of allegation made in the FIR, no offence under the said provision is made out.

6. Learned APP, opposes the prayer submitting that his role has come in the investigation.

7. Taking into account the submissions aforesaid as also that recovery/seizure is from an open place, of the parties and the judgment in the case of **Ram Vinay Yadav (supra)**, as also that nothing has been recovered from his conscious possession or from the house, in that background this Court is inclined to extend him the privilege of anticipatory bail.

8. Let the petitioner be released on bail, in the event of his arrest or surrender before the concerned court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Rajapakar P.S. Case No. 172 of 2026 to the satisfaction of Exclusive Special Judge, Excise court no.2 cum District and Additional Sessions Judge, Hajipur, Vaishali subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Driving License/Voter ID/Pan Card etc.) to show his/her bona fide;

(ii) the petitioner shall be appearing before the police station as and when required for cooperating in the investigation;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every day for one month and later every fortnight for next six months to mark his attendance and at the end of the period a certificate be submitted before the Trial Court failing which the State shall be at liberty to take steps for cancellation



of bail bonds;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Ravi/-Ankita

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