

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46291 of 2026

Arising Out of PS. Case No.-158 Year-2026 Thana- PAKRIDAYAL District- East Champaran

1. Sant Paswan @ Santlal Paswan S/O Ramjanam Paswan
2. Kamlesh Kumar @ Kamlesh Paswan S/O Ramjanam Paswan
Both are Resident Of Village- Dhanauji Ward No 04, P.s.- Pakaridayal,
District- East Champaran At Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-07-2026 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

2. The petitioners seeks pre-arrest bail in connection
with Pakaridayal P.S. Case No. 158 of 2026 registered for the
offence(s) punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. As per the allegation made in the FIR, 55 litres of
illicit liquor was recovered from the roadside in village
Dhanuji Sareh.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioners are innocent and have
falsely been implicated in the present case. Learned counsel



further submitted that recovery of illicit liquor has been made from the roadside of the village, which is an open space and easily accessible by anyone. Petitioners have no concern either with the place of recovery or with the alleged recovered liquor. On these grounds, the petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR and the fact that recovery of illicit liquor has been made from an open space, which is easily accessible by anyone, and also the fact that the State has failed to implement its liquor policy in its true spirit, I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Concerned Court where the case is



pending in connection with Pakaridayal P.S. Case No. 158 of 2026, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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