

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47352 of 2026

Arising Out of PS. Case No.-502 Year-2026 Thana- SIKARPUR District- West Champaran

Durga Paswan @ Durga Pasvan S/o Late Shivnath Pasvan @ Late Shivnath
Paswan Resident of village - Pokhra Chauk, Ward no. 16, P.S - Shikarpur,
District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sujeet Kumar, Advocate

For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 22-07-2026 Heard the learned counsel for the petitioner and
the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Shikarpur P.S. Case No. 502 of 2026, for allegedly having committed offence under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that while the informant proceeded for conducting raid, he received a secret information that in Ward No.3 at Pokhra Chowk, one person, namely Durga Paswan (petitioner herein) is selling illegal liquor. After giving information to the higher police officials and for verifying the



authenticity of the said information, the informant along with police party reached near the place of occurrence and when he reached near the shop of the petitioner, the petitioner started fleeing away after seeing the police vehicle. Despite chase, he managed to escape from there and upon search of the shop of the petitioner, total 103 litres of country made liquor was recovered.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. He further submits that the petitioner was not present at the place of occurrence and he has got no concern with the alleged seized liquor. Since the petitioner is the owner of the shop in question, therefore his name has transpired in the present case. He submits that he has an altercation with local chaukidar and for that, the local chaukidar in collusion with the police personnel has implicated the petitioner in the present false case. He further submits that the petitioner has got a clean antecedent.

5. Per contra, the learned APP for the State vehemently opposes the prayer for bail of the petitioner.

6. Having heard the rival submissions and after going through the records, it appears that total 103 litres of



country made liquor was recovered from the shop, which is said to be belonging to the petitioner, however the petitioner was not present there and nothing has been recovered from his possession. Further, he has got a clean antecedent. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of arrest or surrender within a period of six weeks, 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 Court No.II, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 502 of 2026, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., with further condition:

(I) The learned Court concerned shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court concerned shall take steps 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.

(Ritesh Kumar, J)

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