

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47779 of 2026

Arising Out of PS. Case No.-163 Year-2026 Thana- HASANPUR District- Samastipur

1. Chhotu Paswan @ Chhotu Pasvan @ Chhotu Kumar Paswan Son of Late Rak Kumar Paswan @ Late Raj Kumar Pasvan Resident of Village - Kharahia , Police Station - Hasanpur , District - Samastipur
2. Fultan Paswan @ Fultan Pasvan Son of Late Raj Kumar Paswan @ Late Raj Kumar Pasvan Resident of Village - Kharahia , Police Station - Hasanpur , District - Samastipur
3. Rahul Paswan @ Rahul Pasvan Son of Late Raj Kumar Paswan @ Late Raj Kumr Pasvan Resident of Village - Kharahia , Police Station - Hasanpur , District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar]

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-07-2026 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Section 30(a) of the
Bihar Excise Act.

3. Learned counsel for the petitioners submits that
petitioner no. 1 has antecedent of two cases out of which one
case is under the Excise Act and petitioner nos. 1 and 3 have
antecedent of one case and allegation is of recovery of 1243.26
litres of liquor from a mango orchard.



4. Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even the alleged recovery is from an orchard which does not belong to the petitioners and they came to be implicated at the instance of Chowkidar with whom they are on an inimical term. It is next submitted that if Chowkidar was aware about the involvement of the petitioners in the occurrence, then why he did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Hasanpur P.S. Case No. 163 of 2026 subject to the conditions as laid down under Section 482(2) of the BNSS.



7. It is made clear that thereafter the learned Trial Court shall verify the criminal antecedent of the petitioners and in the event if it is found that petitioner no. 1 has antecedent of more than two cases and petitioner nos. 1 and 3 have antecedent of more than one case then it would be presumed that petitioners, for the purposes of seeking anticipatory bail, had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to that petitioner who had concealed his criminal antecedent before this Court, but after verification if it is found that petitioner no. 1 has antecedent of two cases and petitioner nos. 1 and 3 have antecedent of one case in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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