

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77259 of 2025

Arising Out of PS. Case No.-525 Year-2019 Thana- SHERGHATI District- Gaya

Abdhesh Paswan S/O Jatun Paswan @ Jathun Paswan R/O Village- Dakain
Chhattu Badh, P.S.- Chakand, District- Gaya Jee

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Syed Asgher Najmi, Advocate
	Ms. Kainat Akhtar, Advocate
	Mr. Ashutosh Kumar Mishra, Advocate
	Ms. Wajeeha Jafri, Advocate
For the Opposite Party/s :	Mr. Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 31-01-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offence punishable under Section 30(a) and 30(d) of
Bihar Prohibition and Excise (Amendment) Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 15 litres of liquor along with 100 Kgs. of Mahua
flower from two different motorcycles. It is next submitted that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and he came to be
implicated based on the fact that he is owner of one of the



seized vehicle. It is next submitted that no prudent person would use his own vehicle for committing an occurrence and thus, would create evidence against himself and hence, would get implicated. It is also submitted that petitioner was completely unaware that Amarjeet Kumar would misuse the vehicle in the manner as alleged, who was also apprehended from the spot.

4. Learned A.P.P. opposes the anticipatory bail application.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on provisional anticipatory bail on his furnishing bail-bond in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge-5, Gaya Jee in connection with Sherghati P.S. Case No.525 of 2019, subject to the conditions laid down under Section 482(2) of the B.N.S.S.

6. The application stands allowed.

7. It is made clear that the learned trial Court after accepting the provisional bail bond of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is



found that petitioner has antecedent of even one case, then it would be presumed that petitioner for the purposes of obtaining anticipatory bail had concealed his antecedent before this Court, in that event, the present provisional anticipatory bail order shall not be confirmed, but if on verification, it is found that petitioner is a person with clean antecedent, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioner, based on instruction, submits that petitioner undertakes to deposit an amount of Rs.1500/- with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

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