IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79834 of 2026

CNR No. BRHC011156592026

Arising Out of PS. Case No.-107 Year-2026 Thana- Haraiya District- East Champaran

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Vakil Paswan Son of Brij Paswan Resident of Village- Bhaluwahn/Bhulwanhan, P.S.- Haraiya, District- East Champaran.

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Kundan Rathore Alias Kundan Kumar, Adv.
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA

ORAL ORDER

2 25-11-2026 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Haraiya P.S. Case No. 107 of 2026, registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Amendment Act, 2022.

3. On a secret information, the police party raided the place of occurrence and recovered 74.4 of Nepali liquor. Seeing the police party, the accused persons fled away.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated. Nothing has been recovered from his conscious physical possession. The petitioner is not the owner of the motorcycle

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wherefrom the alleged liquor was recovered.

5. On the other hand, the learned APP for the State has opposed the prayer for bail.

6. From the reading of the FIR, it appears that the name of the petitioner has surfaced on the statement of local *chowkidar*. Nothing was recovered from the conscious physical possession of the petitioner. The motorcycle also does not belong to the petitioner. The search and seizure memo has also been witnessed by two members of the raiding party and not by any independent witness. Under these circumstances, I am inclined to grant privilege of anticipatory bail to the petitioner.

7. Let the petitioner, as named above, in the event of his arrest or surrender within four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, East Champaran, Motihari in connection with Haraiya P.S. Case No. 107 of 2026, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure/Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and subject to further condition that :-

(i) The petitioner shall co-operate in the investigation/

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trial.

(ii) The learned Court below would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Alok Kumar Sinha, J)

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