

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82425 of 2025

Arising Out of PS. Case No.-993 Year-2025 Thana- MAHUA District- Vaishali

1. Vinod Paswan S/O Late Simlal Paswan @ Late Shivnath Paswan R/O Senopatti Mahadeo Math, Kanhauli, P.S- Mahua, Distt.- Vaishali.
2. Avishek Kumar S/O Pawan Rai R/O Village- Litiyahi, P.S- Raghapur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sweety Sinha, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

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

2. Petitioners apprehend their arrest in a case registered for the offences punishable under Sections 274 and 275 of B.N.S., 2023 as well as Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that petitioner no.1 is a person with clean antecedent and petitioner no.2 has antecedents of three cases out of which two cases are under the Excise Act and allegation is of recovery of 1360 litres of liquor from a Tata Magic vehicle. It is next submitted that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and are not the owner of the seized vehicle and came to be implicated based on confessional statement of Rahul Kumar in police custody, which does not have any evidentiary value. It is also submitted that once an accused is implicated in a case relating to excise, the police starts implicating mechanically either at the instance of Chowkidar, local person, confessional statement or secret information without holding a proper investigation.

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

5. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on provisional anticipatory bail on their furnishing bail-bonds in the sum of Rs.15,000/- (Rupees Fifteen Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Special Prohibition and Excise Court-II-cum-District & Additional Sessions Judge at Hajipur, Vaishali in connection with Mahua P.S. Case No.993 of 2025, 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 bonds of the petitioners shall verify the criminal antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of even one case and petitioner no.2 has antecedents of more than three cases, then it would be presumed that petitioners for the purposes of obtaining anticipatory bail had concealed their 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 no.1 is a person with clean antecedent and petitioner no.2 has antecedents of only three cases, in that event, the provisional anticipatory bail order shall be confirmed forthwith.

8. At this stage, learned counsel for the petitioners, based on instruction, submits that petitioners undertake to deposit an amount of Rs.5,000/- each with Advocates' Association, Patna High Court within a period of two weeks from today.

(Satyavrat Verma, J)

Sanjay/-

U		T	
---	--	---	--

