

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.419 of 2026

Arising Out of PS. Case No.-406 Year-2025 Thana- BIBHUTIPUR District- Samastipur

Pucho Paswan @ Fucho Paswan S/O Late Jageswar Paswan Resident of
Village- Deshri Karrakh, P.O.- Sakhmohan, P.S.- Bibhutipur, Dist.-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-01-2026 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) of Bihar
Prohibition and Excise Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and allegation is of
recovery of 60 litres of liquor from straw house of the petitioner.
It is next submitted that petitioner was not arrested from the
spot, as such, nothing was recovered from his conscious
possession and straw house is at place outside the house and
thus, is accessible to villagers at large. It is further submitted
that no prudent person would use his own premises for



committing an occurrence and thus, would create evidence against himself and thus, would get implicated. It is also submitted that it appears that someone inimical to the family concealed meagre amount of liquor with an intent to implicate the entire family members and the name of the petitioner was divulged by the Chowkidar but then it is submitted that if Chowkidar was aware of the involvement of the petitioner 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, when petitioner admittedly is a person with clean antecedent.

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 Exclusive Special Judge, Excise-I, Samastipur in connection with Bibhutipur P.S. Case No.406 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 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.

(Satyavrat Verma, J)

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