

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45125 of 2017

Arising Out of PS. Case No.-252 Year-2017 Thana- LAKHISARAI District- Lakhisarai

Fantush Paswan @ Shankar Paswan , Son of Bhagirath Paswan, Resident of
Village:- Railway Hata, Punjabi Muhalla, Lakhisarai, P.S: Kabaiya, District:
Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Sri Mayank Bilochan

For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 21-09-2017 Heard Sri Mayank Bilochan, learned counsel for the
petitioner and learned Additional Public Prosecutor.

The sole petitioner apprehending his arrest in Lakhisarai
(Kabaiya) P.S. Case No. 252 of 2017 registered for the
offence under section 272 & 273 of the Indian Penal Code ,
1860 and Section 30(a), 32(c) and 38 (b) of the Bihar
Prohibition and Excise Act, 2016 (hereinafter referred to as “
Excise Act”) has prayed for grant of bail in the event of his
arrest or surrender.

It was submitted by learned counsel for the petitioner that
petitioner’s name has come only in confessional statement of
one of the co- accused from whose possession about 6 liters of
Indian make foreign liquor was recovered. Learned counsel for



the petitioner submits that it is true that petitioner is having criminal antecedent, but earlier he was never been made accused in any case relating to Excise Act.

Considering the fact that petitioner's name has come on confession of the co- accused and lesser quantity of recovery from co- accused, in the event of arrest or surrender within a period of six weeks from today, let the petitioner Fantush Paswan @ Shankar Paswan 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 Additional District & Sessions Judge –IIInd –cum- Special Judge Excise, Lakhisarai / concerned court in connection with Lakhisarai (Kabaiya) P.S. Case No. 252 of 2017 subject to the conditions as contemplated under section 438 (2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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