

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.171 of 2018**

Arising Out of PS. Case No.-394 Year-2017 Thana- SARAIYA District- Muzaffarpur

Dilip Paswan, Son of Late Misari Paswan alias Late Misari Lal Paswan,  
Resident of Village- Kuldip Chhapra, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

|                    |   |                                                                      |
|--------------------|---|----------------------------------------------------------------------|
| For the Petitioner | : | Mr. Jitendra Narain Sinha, Advocate<br>Mrs. Kumari Vandana, Advocate |
| For the State      | : | Mr. Gauri Shankar Gupta, APP                                         |

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      09-01-2018              Heard learned counsel for the petitioner and learned APP  
for the State.

The petitioner is apprehending his arrest in a case registered under Sections 272, 273 of the I.P.C. and Sections 30(a), 37(d), 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

The Prosecution case, in short, is that 15 liters wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has come on the basis of secret information as per F.I.R. The source and genuineness of the



secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 15 liters wine is recovered from the toddy shop of co-accused Umesh Paswan. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Saraiya P.S. case No.394 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

**(Sudhir Singh, J)**

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