

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30438 of 2019

Arising Out of PS. Case No.-408 Year-2018 Thana- BARHARIA District- Siwan

MITHU PASWAN Son of Baban Paswan, Resident of Village - Shivdhari
More, P.S.- Barharia, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 08-05-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Barharia P.S. Case No. 408 of 2018 registered for offence punishable under sections 272, 273, 308/34 of the Indian Penal Code, section 30 (a) and 41 of the Bihar Prohibition Excise Act, 2016.

As per the recovery, 11 litres 340 ml. liquor has been recovered from a bush situated at pond.

Allegation has been attributed against this petitioner to be involved in keeping the said liquor.

The learned counsel for the petitioner submits that the petitioner cannot be connected with the recovery, as it has not been recovered near to his house or in any way he cannot be



held liable of that liquor. The petitioner has no criminal antecedent.

Looking to the facts and circumstances of the case, the prayer for bail of the petitioner is allowed and he, in the event of arrest or surrender before the court below within six weeks from today, is directed to be enlarged on anticipatory bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge-cum-Special Judge, Excise, Siwan in connection with Barharia P.S. Case No. 408 of 2018, subject to the conditions as laid down under section 438 Cr. PC and also subject to the condition that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court. The petitioner will not induce any witness or tamper with the evidence. The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(Shivaji Pandey, J)

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