

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48939 of 2019

Arising Out of PS. Case No.-5 Year-2019 Thana- GADHPURA District- Begusarai

INDAL PASWAN Son of Vishwanath Paswan Resident of Village-Kumbhi,
P.S.-Cheria Bariarpur, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-08-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Gadhpura P.S. Case No. 05 of 2019, disclosing offences under Sections 399, 402 and 414 of the Indian Penal Code, including Sections 25(1-b)a, and 35 of the Arms Act, besides Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act of 2016).

From a Santro car, the police party are said to have recovered two bottles of foreign liquor and three live cartridges.

Learned counsel, appearing on behalf of the petitioner, has submitted that only allegation against the petitioner is that he had fled away from the place of occurrence and was also sitting in the said car from which the recovery has been made. He has contended that even if



the allegation made in the FIR is treated to be correct, no offence under Section 30(a) of the Act of 2016 can be said to be made out against the petitioner. So far as the allegation under Section 399 of the IPC is concerned, he contends that the same is preposterous, in view of the nature of recovery made, which shows that only three live cartridges were recovered without any fire-arm. I am, *prima facie*, satisfied with the said submission.

Considering the above, this application is allowed. Let the petitioner, above named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of the learned Additional Sessions Judge-II, Begusarai-cum-Special Judge, Bihar Prohibition and Excise Act, 2016 in connection with Gadhpura P.S. Case No. 05 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of



failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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