

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58216 of 2019

Arising Out of PS. Case No.-180 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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NAND LAL PASWAN S/o Faud Paswan R/o Village- Mananpur, P.S.-
Rajpur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Opposite Party/s : Mr.Satyadeo Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

Prosecution case as lodged by the police personnel is that while the informant was in night patrolling along with other police personnel, they received information that co-accused namely Ram Chela Rai, Bisheshar Mukhiya, Ram Pravesh Yadav, Rajan Kumar, Ramgya Rai and Durga Mukhiya are carrying sprit in a Sumo Gold vehicle. On the information, they intercepted the vehicle in question near Tekuliya LaxmipurTin



Mohani and tried to apprehend the accused but they succeed to flee away by taking advantage of darkness. The informant thereafter searched the vehicle and recovered 245 litres spirit from its dickey. Accordingly, a seizure list was prepared.

Learned counsel for the petitioner submits that there is no recovery from the conscious possession of the petitioner rather it is recovered from the Sumo Gold vehicle and petitioner is owner of the said vehicle. He further submits that the petitioner has no criminal antecedent.

In the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner, subject to deposit of Rs. 50,000/- in the court below and on deposit of the aforesaid amount, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned 9th Additional Sessions Judge-cum-Special Judge, Excise Act, East Champaran at Motihari in connection with Motihari Muffasil Police Station Case No. 180 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



Such deposit of Rs. 50,000/- shall abide by the
outcome of the pending criminal case.

(Anjani Kumar Sharan, J)

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