

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83573 of 2019

Arising Out of PS. Case No.-45 Year-2019 Thana- MAJHAULIA District- West Champaran

Jitendra Paswan S/o Late Ramayan Paswan, R/o Village- Ahwar Shekh, Ward
No. 14, P.S.- Majhaulia, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-12-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner in the present case is seeking anticipatory
bail in connection with Majhaulia P.S. Case No. 45 of 2019
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the
petitioner is not named in the F.I.R. and admittedly inspite of
much probe the police could not know about the smugglers. It is
further submitted that the alleged recovery does not belong to
the petitioner and none has seen the petitioner even nearby the
P.O. or with the spirit in question. The name of this petitioner
has been brought in this case on the basis of a confessional
statement said to have been made by one Motilal Sah and save



and except that there is no other material against this petitioner and further that similarly situated co-accused have been granted privilege of anticipatory bail by the learned Co-ordinate Benches of this Court.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of this case, wherein it is the submission of learned counsel for the petitioner that the recovery of alleged illicit spirit total being 1000 liters has been recovered from the inside of Dhanauti river and in the FIR itself the informant has stated that he tried to find out the name of the smugglers through the spys but could not know the whereabouts but later on the name of this petitioner has been brought in this case on the basis of a confessional statement said to have been made by one Motilal Sah and save and except that there is no other material against this petitioner and further that similarly situated co-accused have been granted privilege of anticipatory bail by the learned Co-ordinate Benches of this Court vide Annexure '2' to the present application, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with



two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 45 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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