

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21019 of 2020**

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Sunil Paswan @ Sunil Kumar, son of Ramchandra Paswan, Resident of
Village-Shivraha Chaturbhuj Jhapaha, P.S.-Ahiyapur, District-Muzaffarpur.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Adv.
For the Opposite Party/s : Ms.Pronati Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 24-07-2020 Learned counsel for the petitioner undertakes to remove
all the defects within three weeks after start of normal functioning of
the Court.

Heard learned counsel for the petitioner and Ms. Pronati
Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking anticipatory bail in
connection with Ahiyapur P.S. Case No.61 of 2020 registered for the
offences under Sections 272 and 273 of the Indian Penal Code and
Sections 30(a) and 36 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that on perusal
of the first information report it will appear that the truck in question
and the pick-up van were found near the Bathan of the family of this
petitioner which is a joint family property. It is submitted that no
recovery has been made from the premises of the Bathan and in the
seizure list also the place of recovery has been shown near the



Bathan. It is the submission of learned counsel for the petitioner that the petitioner has got no concern with the seized foreign liquor or with the Bolero Vehicle nor he has any concern with the motorcycle and the scooty which were found standing near the Bathan. It is submitted that there is no *prima-facie* material to connect this petitioner with the seizure of illicit liquor. The petitioner has otherwise no criminal antecedent as stated in paragraph '3' of the application. It is submitted that the co-accused similarly situated namely Mithu Paswan has been granted privilege of anticipatory bail by learned coordinate Bench of this court vide order dated 09.07.2020 passed in Cr. Misc. No. 20249/2020.

Ms. Pronati Singh, learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioner but it is apparent from the F.I.R. and the seizure list that the illicit liquor has been seized from a place near the premises belonging to the petitioner and not inside the premises.

Having regard to the facts and circumstances of the case wherein it appears on perusal of the F.I.R. and the seizure list that recovery has been shown from a place near the Bathan and the Bathan has been shown to be that of Ram Chandra Paswan who is father of this petitioner and it is the contention of the petitioner that the Bathan is also a joint family property and he has no concern with the vehicle standing nearby and that there is no *prima-facie* material to connect the petitioner at this stage with the present case, let the



petitioner above named in the event of his arrest or surrender within a period of six weeks from today in connection with Ahiyapur P.S. Case No.61 of 2020 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, subject to the conditions 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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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

