

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 24688 of 2020
Arising Out of PS. Case No.-41 Year-2020 Thana- Riga District- Sitamarhi

Mukesh Paswan @ Mukesh Kumar, aged about 20 years, male, S/o Baldev Paswan,
R/v Sangram Fandah, P.S. Riga, Distt. Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Santosh Paswan, Adv.

For the Opposite Party/s : Mr. Abhay Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2	14.10.2020	Heard learned counsel for the petitioner and learned APP for the State, through video conferencing. The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Riga P.S. Case No. 41 of 2020 registered under section 30(a) of the Bihar Prohibition and Excise Act, 2016. As per allegation in the FIR, while accused Aniket Kumar was arrested, it is stated that 5-6 other accused persons including the petitioner herein, who deal in liquor, managed to escape. A total of 69 litres of liquor was recovered. It is submitted by learned counsel for the petitioner that there is no material against the petitioner except the confessional statment of co-accused made before the police. No incriminating material has been recovered from his possession and he has no criminal antecedent.It is submitted that the alleged place of recovery is a road side near the mobile tower. The application for bail is opposed by learned APP for
---	------------	---



	the State who submits that in the FIR the petitioner has been described as a dealer in liquor. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the statement of the petitioner in paragraph no.3 of the petition that the petitioner has no criminal antecedent, the Court is inclined to enlarge the petitioner on anticipatory bail. The petitioner is directed to surrender in the Court below within a period of eight weeks from today and in the event of his arrest or surrender in connection with Riga P.S. Case No. 41 of 2020, he shall be enlarged on bail on furnishing bail bond of Rs.10,000/ (Rupees Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-cum-Special Judge, Excise Act, Sitamarhi subject to the conditions as laid down under section 438(2) of the Cr.P.C. However, in view of the facts of the case, in case it is discovered that the petitioner has criminal antecedent, it shall be open to the State of Bihar to move for cancellation of bail.
--	---

(Partha Sarthy, J)

Sushma/-

U		T	
---	--	---	--

