

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.28544 of 2020**

Arising Out of PS. Case No.-179 Year-2020 Thana- ARARIA District- Araria

Sunil Kumar Paswan @ Sunil Paswan, S/o Madan Paswan, Resident of
Bhagat Tola, Ward No. -28, P.S. and District- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nishant Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad, A.P.P.

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

2 04-12-2020 Learned counsel for the petitioner undertakes to
remove all the defects pointed by the Stamp Reporter within three
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Nagendra Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking pre-arrest bail
in connection with Araria P.S. Case No. 179 of 2020,
corresponding to Spl. Case No. 253 of 2020 registered for the
offences punishable under Section 30(a) of the Bihar Excise
Prohibition Act 2016.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case as there is no recovery of illicit liquor from his
possession rather the recovery was made from an abandoned



house which is situated in front of the house of the petitioner.
Learned counsel submits that the petitioner has no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein the alleged illicit liquor is said to have been recovered from an abandoned house which is situated in front of the house of the petitioner and for that reason alone the petitioner is said to have been made accused in this case, there being no other material to connect him, 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. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions-cum- Special Judge, Araria in connection with Araria P.S. Case No. 179 of 2020, corresponding to Spl. Case No. 253 of 2020, 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.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

This application is allowed.

(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'.

