

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1918 of 2021

Arising Out of PS. Case No.-1 Year-2020 Thana- MAHUA District- Vaishali

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BHIM PASWAN, (Male), aged about 30 years, Son of Late Dukhan Paswan,
Resident of Village- Garjaul Paharpur, P.S.- Mahua, Distt- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate.
For the Opposite Party : Mr. A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-05-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
counsel for the State through virtual mode.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 30(a), 32(ii), 34(ii), 38(ii)
and 41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 470.445
liters wine is said to have been recovered from the different
places.

It has been submitted by learned counsel for the
petitioner that it has wrongly been mentioned in paragraph no. 3



of the bail application that the petitioner has got no criminal antecedent but later on one case has been instituted against the petitioner for different offence. The petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 470.445 liters wine is recovered from the different places. The name of the petitioner has come in the present case on the basis of disclosure made by co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case and also the lockdown, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of the learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur, in connection with Mahua P.S. Case No.



2163 of 2020, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall
furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with
two sureties of the like amount each within a period of eight
weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

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