

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.6174 of 2021**

Arising Out of PS. Case No.-177 Year-2020 Thana- KUSHESHWARASTHAN District-  
Darbhanga

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Arvind Paswan Son Of Sikander Paswan Resident Of Village- Paikacharai,  
O.P. Tilkeshwar, P.S.- K. Asthan, District- Darbhaga. ... .. Petitioner

Versus

The State of Bihar ... .. Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Md. Fahimuddin, Advocate  
For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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

2      17-12-2021                      Learned counsel for the petitioner undertakes to remove the defects as pointed out by Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Shakir Ahmad, learned APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with G.O. Case No. 643 of 2020 / K. Asthan P.S. Case No. 177 of 2020 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition & Excise Act. The petitioner has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, the informant on receiving the secret information regarding unloading of illicit liquor in a field form pick up van reached at the given place where on seeing the police all persons fled away. The informant recovered 1080 liters of



foreign liquor from the pick-up van and from the field of Jogi Yadav. The informant came to know from the local people that Rakesh Nayak, Arvind Paswan, Rabindra Yadav, Sachin Yadav and Surendra Yadav are involved in business of liquor.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. It is submitted that the alleged recovery is said to have been made from the field of Jogi Yadav and he petitioner has no concern with the alleged place of recovery and the seized pick-up van. It is further submitted that name of the persons who have disclosed the name of the accused persons has not been stated by the informant in his written report.

Learned APP for the State has opposed the prayer of pre-arrest bail of the petitioner.

Having regard to the submissions that the recovery of foreign liquor is said to have been made from pick-up van and from the field of Jogi Yadav and this petitioner was not arrested on the spot, the contention being that the name of the petitioner has been allegedly brought on the alleged statement of the local people but it is not known as to who are that local people and how the petitioner could be identified, the petitioner has otherwise no criminal antecedent, in the circumstances, this Court directs that the petitioner above named in the event of his arrest or surrender



within four weeks from today be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each in connection with G.O. Case No. 643 of 2020 / K. Asthan P.S. Case No. 177 of 2020 to the satisfaction of learned 2<sup>nd</sup> Additional Sessions Judge-cum-Special Judge, Excise Act, Darbhanga, subject to the condition(s) as laid down under Section 438(2) of the Cr.P.C.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands 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'.

