

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31121 of 2022

Arising Out of PS. Case No.-95 Year-2020 Thana- ARARIA District- Araria

BALMIKI PASWAN S/o Viranchi Paswan Resident of Kamla P.S.- Cheriya
Bariyarpur (Manjhaul O.P.), District- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashi Dhar Jha

For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 13-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The instant application for anticipatory bail has been filed by the petitioner apprehending his arrest in connection with Spl. Excise Case No. 142 of 2020 arising out of Araria P.S. Case no. 95 of 2020 instituted for the offence under Sections 30(a) of the Bihar Prohibition of Excise Act.

Prosecution case relates to recovery of 1003.68 litres of illicit IMFL from a truck bearing Registration No. PB-10HA-7256 and driver of the said truck was arrested who disclosed the name of the petitioner.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has got no criminal antecedent. Petitioner has no



concern with the alleged recovery or with the vehicle in question. The name of the petitioner has been disclosed in this case by apprehended accused person before the police, which has got no evidentiary value in the eye of law. Neither the petitioner was arrested nor any incriminating article has been recovered from his possession.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Spl. Excise Case No. 142 of 2020 arising out of Araria P.S. Case No. 95 of 2020, he will 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 Special Judge Excise Court-1, Araria subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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