

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31858 of 2022

Arising Out of PS. Case No.-196 Year-2021 Thana- MUSAHARI District- Muzaffarpur

Naresh Paswan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner : Mr. Rajeev Ranjan No.II, Advocate

For the Opposite Party : Mr. Mukesh Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State in the Virtual Court proceeding.

Let the defects, as pointed out by the office, be removed within a period of four weeks from today.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 272, 273, 34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 2.250 liter of foreign liquor.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that nothing has been recovered from the conscious possession of the petitioner and the petitioner has no concern at all with the alleged recovery of



liquor or motorcycle in question and the motorcycle does not belong to the petitioner and the co-accused, namely, Ranjit Kumar has been granted anticipatory bail vide the order dated 13.05.2022 passed in Cr. Misc No. 23161 of 2021, and the case of the petitioner stands in similar footing.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks, be released on anticipatory bail on furnishing bail bond or Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Musahari P.S. Case No. 196 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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