

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56329 of 2022**

Arising Out of PS. Case No.-351 Year-2022 Thana- JAGDISHPUR District- Bhojpur

1. Phagu Paswan @ Makardhwaj Ram Son of Late Buta Paswan Resident of village Ugna, P.S. Jagdishpur, District- Bhojpur
2. Lav Paswan Son of Late Buta Paswan Resident of village Ugna, P.S. Jagdishpur, District- Bhojpur
3. Dhanu Ram @ Dharmendra Ram Son of Tengari Ram @ Mahendra Ram Resident of village Ugna, P.S. Jagdishpur, District- Bhojpur
4. Jitendra Kumar Son of Haricharan Ram Resident of village Ugna, P.S. Jagdishpur, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raju Kumar Singh

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      28-11-2022                      At the outset, It is submitted by learned counsel for the petitioners that he seeks permission to withdraw this application against petitioner no.1 namely, Phagu Paswan.

Permission is accorded.

This application is dismissed as withdrawn against petitioner no.1 namely, Phagu Paswan.

So far as rest of the petitioners are concerned, the instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Jagdishpur P.S. Case no. 351 of 2022 instituted for the offence



under Sections 30(a) & 30(d) of the Bihar Prohibition the Excise Act.

Prosecution case relates to recovery of 06 liters illicit country made liquor from the bank of river situated near the village Uzna.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have got no criminal antecedent. They have falsely been made accused in this case on the basis of mere suspicion. Petitioners have no concern with the alleged recovery of illicit country made liquor and the place of occurrence is an open place which does not belong to them. It is further submitted that neither the petitioners were arrested on spot nor any incriminating article has been recovered from their conscious possession.

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

Having heard learned counsel for the parties and considering the fact that the recovery of liquor is meagre in quantity, this Court is inclined to enlarge the petitioner nos. 2, 3 & 4 on bail. The petitioner nos. 2, 3 & 4 are directed to surrender in the Court below within a period of four weeks from



today and in the event of their arrest or surrender in connection with Jagdishpur P.S. Case no. 351 of 2022, they 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 Exclusive Special Excise Court No.1, Bhojpur at Ara subject to the conditions as laid down under section 438(2) of the Cr.P.C.

**(Sunil Kumar Panwar, J)**

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