

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56157 of 2022

Arising Out of PS. Case No.-209 Year-2022 Thana- KAUWAKOL District- Nawada

GAUTAM KUMAR @ GAUTAM PASWAN Son of Late Jagdish Paswan @
Jago Paswan R/V- Kawakol, P.S- Kawakol, Dist- Nawada Bihar- 805106

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-11-2022 Heard the parties through virtual court proceedings.

Petitioner apprehends his arrest in connection with
a case registered for the offence punishable u/s 30(a) of the
Bihar Prohibition and Excise Act-2016.

Altogether 150 litres of country made Mahua liquor
is said to have been recovered from six motorcycles and one
person was apprehended on the spot. It is alleged that petitioner
and others fled away from the spot.

Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. Petitioner has been falsely implicated in
this case at the instance of village politics. His name transpired
in this case on the confessional statement of apprehended co-
accused. Petitioner has neither been apprehended on the spot nor



any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Petitioner is not the owner of the said motorcycles. The petitioner has no any active or passive role to play in the commission of aforesaid crime. Petitioner has one criminal antecedent, which is of similar nature, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.40,000.00/- (Rupees Forty Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Kawakol P.S. Case No.209 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:



(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.40,000.00/- (Rupees Forty Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

divyanshi/-

U		T	
---	--	---	--

