

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71732 of 2022**

Arising Out of PS. Case No.-74 Year-2022 Thana- HATHAURI District- Samastipur

MAHESH PASWAN Son of Julum Paswan @ Late Nageshwar Paswan R/v-  
Gonwara P.S.- Rosera, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Madhav Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      23-12-2022                      Heard learned counsel for the petitioner and  
  
learned A.P.P. for the State through virtual Court  
  
proceedings.

The petitioner apprehends his arrest in a case  
registered for the offences punishable under Section 30(a)  
of the Bihar Excise Act.

Learned counsel for the petitioner submits that the  
petitioner has antecedent of six cases and allegation is of  
recovery of 18 liters of liquor from a motorcycle and 1.5  
liters of liquor from another motorcycle and 376.5 liters of  
liquor from Lalit Mandal's poultry farm.

Learned counsel for the petitioner submits that the  
petitioner was not apprehended from the spot as such



nothing was recovered from his conscious possession and he came to be implicated based on confessional statement of Lalit Mandal in police custody which does not have any evidentiary value, it is also submitted that petitioner is neither the owner nor the driver of the seized vehicle though it is alleged that petitioner was driving one of the vehicles, it is further submitted that police through Lalit Mandal got the petitioner implicated because of his antecedents.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Hathauri P.S. Case No. 74 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned trial Court before accepting



the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has more than six criminal antecedents then the present anticipatory bail order shall not be acted upon.

**(Satyavrat Verma, J)**

GauravSinha/-

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