

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65124 of 2022

Arising Out of PS. Case No.-483 Year-2022 Thana- DHAKA District- East Champaran

1. RAJ KUMAR @ RAJ KUMAR PASWAN Son of Mahendra Paswan R/V- Sirsa Khap Manchhaha, P.S- Motihari Muffasil, Dist- East Champaran. At present R/V- Naya Tola, Dhaka, P.S- Dhaka, Dist- East Champaran
2. Harendra Paswan @ Harindra Paswan Son of Vishwanath Paswan R/V- Naya Tola, Dhaka, P.S- Dhaka, Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhurendra Kumar
For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act.

90 litres of country made liquor was recovered from the house of petitioner no.1, Raj Kumar @ Raj Kumar Paswan. The petitioners and other co-accused persons are said to have fled away from the place of occurrence after seeing the police.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got two



criminal antecedents of similar nature as stated in paragraph-3 of the bail application. It is further submitted that there is no recovery from the conscious possession of the petitioners.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioners by submitting that illicit liquor was recovered from the house of petitioner no.1, Raj Kumar @ Raj Kumar Paswan.

Petitioner No.2, Harendra Paswan @ Harindra Paswan is agree to deposit a sum of Rs. 30,000/- (rupees thirty thousand) in the Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Taking into consideration the fact that there is no recovery from the conscious possession of petitioner no.2, let petitioner no.2, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court No.1, East Champaran, Motihari in connection with Dhaka P.S. Case No.483 of 2022, subject to the conditions



laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the further conditions that:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned court below on showing receipt of deposit of the aforesaid amount in the Patna High Court Legal Services Committee, Patna.

So far as prayer for anticipatory bail of petitioner no.1, Raj Kumar @ Raj Kumar Paswan is concerned, considering that 90 litres of country made liquor was recovered from the house of petitioner no.1, I am not inclined to enlarge petitioner no.1 on anticipatory bail. Accordingly, the prayer for anticipatory bail of petitioner no.1, Raj Kumar @ Raj Kumar Paswan is rejected.

(Anjani Kumar Sharan, J)

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