

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67773 of 2022

Arising Out of PS. Case No.-620 Year-2022 Thana- MADHEPURA District- Madhepura

Nitish Paswan @ Rajbally Paswan, S/O Baldeo Paswan @ Bandelal Paswan
R/O Village- Dudhela (Dubhaila), Ward No-9, P.S And District- Madhepura

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Opposite Party/s : Mr. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned APP
for the State through video conferencing.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 147, 341, 323, 324, 307, 354, 379, 302, 34 of the Excise Act and Section 30(a) of the Excise Act.

The learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the allegation is of recovery of 09 litres of liquor from a motorcycle and 99 litres of liquor from a Bolero vehicle.

The learned counsel for the petitioner submits that petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is next submitted that he came to be implicated based on confessional statement of Amlesh Kumar and Birendra Kumar 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 alleged vehicle.

Learned A.P.P. opposes the bail application.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 15,000/- (Rupees Fifteen 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 Madhepura (Ghailarh) P. S. Case No.620 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, 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 two antecedents, then the present anticipatory bail order shall not be acted upon.

(Satyavrat Verma, J)

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