

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1957 of 2023

Arising Out of PS. Case No.-372 Year-2022 Thana- AHYAPUR District- Muzaffarpur

PUNEET PASWAN @ CHHENI PASWAN S/o Manesh Paswan R/o Vada
Jagarnath, P.S.- Ahiyapur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in connection with Ahiyapur P.S. Case No. 372 of 2022 under sections 290 of the Indian Penal Code and 30(a)/36 of the Bihar Prohibition and Excise Act.

As per the prosecution story, the police upon information, raided the house of co-accused, Jagdish Rai and recovered/seized 87.840 liters of English wine, from the house of Mauje Rai, 15.420 liters of foreign liquor and from the house of this petitioner 315 liters of foreign liquor were recovered/seized.

Learned counsel for the petitioner submits that nothing has been recovered from his conscious possession, it is



a joint house and further he do not have criminal antecedent.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the aforesaid submission put forward by the learned counsel for the petitioner now that the FIR has been lodged and he will be facing the trial as also the fact that it is joint house, he do not have criminal antecedent, this Court is inclined to grant him the privilege of bail.

If, however, it is found that the petitioner do have criminal antecedent, this order shall become infructuous.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 372 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the conditions as follows:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall co-operate in the investigation



and make himself available to the police as and when required;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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