

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11302 of 2023

Arising Out of PS. Case No.-139 Year-2022 Thana- BELSAND District- Sitamarhi

1. SIKANDAR PASWAN S/O Ram Briksh Paswan R/O Village- Bhandari, Ward No- 10, P.O- Bhandari, P.S- Belsand, District- Sitamarhi, PIN- 843316
2. Khobhari Paswan S/O Mahadev Paswan R/O Village- Bhandari, Ward No- 10, P.O- Bhandari, P.S- Belsand, District- Sitamarhi, PIN- 843316

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Narayan Mishra
For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-04-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

As per F.I.R., on the basis of information received during raid by the police at village Bhandrai, they found two persons sitting at the door of the accused Sikandar Paswan with two gallons and seeing the police they succeeded in fleeing away and the local identified them as Sikandar Paswan and Khobhari Paswan. Total 10 liters of country made liquor was recovered.

Learned counsel for the petitioners submits that petitioners are innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 10 liters of country made liquor



is said to have recovered from the house of petitioner no. 1. He submits that the seized liquor does not belong to the petitioners nor recovered from conscious possession of the petitioners. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

Petitioner no. 2 is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioner no. 2, let the above named petitioner no. 2, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond 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 Belsand P.S. Case No.139 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that:

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who 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) That the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of 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 the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

However, Considering the facts and circumstances of case and the fact that illicit liquor was recovered from the house of petitioner no. 1, I am not inclined to enlarge petitioner no.1 on anticipatory bail.

The prayer for anticipatory bail of the petitioner no. 1 is hereby rejected.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

anand/-

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