

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10434 of 2023

Arising Out of PS. Case No.-3 Year-2023 Thana- DUMRA District- Sitamarhi

Shambhu Paswan, aged about 48 years, Gender-Male, S/O Late Chalitar
Paswan R/O Village- Barharwa, P.S- Dumra, District- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 05-05-2023 Heard Mr. Hans Lal Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Sanjay Kumar
Tiwary, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Dumra P.S. Case No. 03 of 2023 registered for the offence
punishable under Section 30 (a) of the Bihar Prohibitions and
Excise Act as amended up-to-date.

3. Prosecution story, in brief, is that altogether 33
litres of Nepali smuggled liquor was recovered from the house
of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and he has falsely
been implicated in the present case. Petitioner was not present at



the place of alleged recovery. No recovery was made from the possession of the petitioner. The petitioner has one criminal antecedent in connection with Dumra P.S. Case No. 413 of 2018 registered for offences punishable under Sections 353/34 of the Indian Penal Code, in which the petitioner is on bail and to that effect he has made a specific statement in paragraph no. 3 of the bail application.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR and the fact that petitioner was not present at the place of occurrence, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four 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 learned Exclusive Special Judge Excise Court No.1, Sitamarhi in connection with Dumra P.S. Case No. 03 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the



petitioner as what has been stated in paragraph no. 3, this
order will loose its force automatically.

(Purnendu Singh, J)

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