

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18042 of 2023

Arising Out of PS. Case No.-371 Year-2022 Thana- SURSAND District- Sitamarhi

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1. SAROJ PASWAN @ SAROJ KUMAR S/O RAMA PASWAN R/O VILLAGE- BANAULI WARD NO 7, P.S- SURSAND, DISTT.- SITAMARHI-843331.
 2. AKASH PASWAN @AKASH KUMAR SON OF JAIKISHORE PASWAN R/O VILLAGE- SURSAND WARD NO 1, P.S- SURSAND, DISTT.- SITAMARHI.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Y. Madhavi, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-05-2023 Heard Mrs. Y. Madhavi, learned counsel for the

petitioners and Mr. Bharat Bhushan, learned APP for the State.

The petitioners apprehend their arrest in connection with Sursand P.S. Case No. 371 of 2022 for the offence registered under section 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 20.07.2022 by the informant, Arvind Kumar.

As per FIR, on 20.07.2022 at 4.05 P.M., during patrolling by the police, four persons standing in front of the house of Shivjee Sah at village Banauli, carrying four Jut bags. However, after seeing the police party, they tried to escape but two of them were apprehended and on interrogation, the apprehended persons disclosed their names as Guddu Kumar Sah and Vikash Paswan. They also disclosed the names of the persons who fled away as Saroj Paswan and Akash Paswan, the



petitioners herein. On search of said bags, 530 pieces of '*Nepali Saufi liquor*', 300 ml each, in total 159 Lts. was recovered and seizure-list was prepared. Accordingly, the FIR.

Learned counsel for the petitioners submit that the entire material has been recovered from Guddu Kumar Sah and Vikash Paswan and on their confession, their name has cropped up only because they are on inimical term with the aforesaid two accused persons. It is her categorical statement that none of the two petitioners have any relationship with the accused persons apprehended by the police.

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

Considering the fact that the allegation has come against the two apprehended persons and on their confession, the name of the petitioners have cropped up, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-II, Sitamarhi in connection with Sursand P.S. Case



No. 371 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show their *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) 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 their bail bonds;

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

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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