

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.23557 of 2023**

Arising Out of PS. Case No.-219 Year-2022 Thana- MADHEPUR District- Madhubani

Ram Babu Paswan, (M), aged about 42 years, Son of Bhikhari Paswan,  
Resident Of Village- Salkhanni, P.S.- Bibhutipur, District- Samstipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Mirityunjay Kumar, Advocate  
For the Opposite Party : Mr. Shailendra Kumar Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
ORAL ORDER

2      17-05-2023                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Madhepur P.S. Case No. 219 of 2022 for the offence registered under Sections 272, 273, 414 of the I.P.C. and Sections 30(a) and 47 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 160 liters wine is said to have been recovered from two different Motorcycles in question.



It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 160 liters wine is recovered from two different Motorcycles in question. The Motorcycles in question do not belong to the petitioner. The petitioner is not named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of Annexure-2 which is the notice issued by the police under Section 160 of Cr.P.C. From perusal of the notice (Annexure-2), it is evident that the notice states that there is sufficient material against the petitioner for submission of charge sheet against him in non-bailable offence. On the basis of the said notice, the petitioner has apprehension of arrest in connection with the present case. Hence, the present anticipatory bail application has been preferred. The said notice does not disclose the material available on record against the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R/ Complaint Case.

Considering the fact that since the petitioner has apprehension of arrest in light of the notice issued under Section 160 of Cr.P.C., the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Act, Madhepur or Successor Court, Madhepur, in connection with Madhepur P.S. Case No. 219 of 2022, subject to the conditions as laid down under Section 438(2)



of the Code of Criminal Procedure.

(Sudhir Singh, J)

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