

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17806 of 2023

Arising Out of PS. Case No.-354 Year-2022 Thana- DIGHWARA District- Saran

1. Rakesh Paswan @ Bhuwar Paswan S/O Late Chathu Paswan R/O Village- Basatpur, P.S- Dighwara, Distt.- Saran At Chapra
2. Varun Paswan @ Barun Kumar S/O Hulash Paswan R/O Village- Basatpur, P.S- Dighwara, Distt.- Saran At Chapra
3. Brij Mohan Paswan S/O Parikshan Paswan R/O Village- Basatpur, P.S- Dighwara, Distt.- Saran At Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate
For the Opposite Party/s : Ms. Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-05-2023 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 Excise Act.

Learned counsel for the petitioners submits that the petitioner no.1 has antecedent of three cases whereas petitioner nos. 2 and 3 are persons with clean antecedent and allegation is of recovery of 100 litres of liquor from bank of river Ganga.

Learned counsel for the petitioners submits that the petitioners were not apprehended from the spot as such nothing



was recovered from their conscious possession, it is next submitted that even the recovery is from a place which is accessible to public at large and the name of the petitioner transpired based on secret information, when admittedly petitioner nos. 2 and 3 are persons with clean antecedent. It is further submitted that the police in order to save the real culprits falsely implicated the petitioners since petitioner no.1 has antecedent of three cases and petitioner nos. 2 and 3 are known to him.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each 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 Dighwara P.S. Case No. 354 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned trial court before accepting the bail bonds



of the petitioners shall verify their criminal antecedents and in the event, if it is found that the petitioner nos. 2 and 3 have antecedent and petitioner no.1 has antecedent of more than three cases, then the present order shall not be given effect to.

(Satyavrat Verma, J)

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