

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40836 of 2023

Arising Out of PS. Case No.-98 Year-2023 Thana- PUNAURA District- Sitamarhi

Shambhu Paswan Son of Jogindra Paswan @ Yogendra Paswan Resident of
village - Ranjitpur (West), P.S. - Punaura, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Smiti Bharti, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 Heard Ms. Smiti Bharti, learned counsel for the
petitioner and the State.

The petitioner is apprehending arrest in connection
with Punaura P.S. Case No. 98 of 2023 instituted under Section
30(a) of the Bihar Prohibition and Excise Act lodged on
8.9.2023 by the informant, Vijay Kumar Ram.

As per the prosecution story, the police upon secret
information reached Kachbachchaipur and saw an auto parked
there. Two people escaped and the villagers named them as
Nitish Kumar and Shambhu Paswan. Further, in course of
search of the house, Nitish Kumar was apprehended and from
the auto 258 liters of Nepali country made liquor was recovered.
Thus, the FIR.

Learned counsel for the petitioner submits that neither



he has been apprehended from the spot nor anything recovered from his possession. Further, the auto does not belong to him and due to village enmity, his name has cropped up.

Learned APP opposes the prayer stating that he has criminal antecedent.

Taking into account the fact that the alleged recovery is from the auto which does not belong to him. Further, his name has come in the statement of local villagers, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Punaura P.S. Case No. 98 of 2023 to the satisfaction of learned Additional and Sessions Judge -1 cum Special Judge Excise, Sitamarhi subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner 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 his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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 the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observation, the bail application is allowed.

(Rajiv Roy, J)

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