

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40694 of 2023

Arising Out of PS. Case No.-91 Year-2023 Thana- KUTUMBA District- Aurangabad

WAKIL PASWAN S/O BIJAY PASWAN R/O VILLAGE- SIMRI POLICE
STATION KUTUMBA DISTRICT AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-07-2023 Heard Mr. Kamendra Pd. Singh learned Counsel for
the petitioner and Mr. Uma Shankar Prasad learned APP.

The petitioner apprehend his arrest in connection with Kutumba P.S. Case No. 91 of 2023 for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018 lodged on 08.04.2023 by the informant Maya Kumari.

As per the prosecution story, the house of Jaduni Paswan was raided and 50 liters countrymade liquor was recovered.

Learned counsel for the petitioner submits that he has parked the motorcycle and had gone to attend the call of nature and accordingly, However, the police has shown the alleged recovery from the said motorcycle and implicated him in the case. Last



submission is that he do not have criminal antecedent.

Learned APP opposes the prayer stating that he is the owner of the motorcycle.

Considering the fact that the alleged recovery is from the motorcycle which was parked at an open place and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise Court No. 1, Aurangabad in connection with Kutumba P.S. Case No. 91 of 2023, 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 petitioner who shall provide official document to show his 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 appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) 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;

(v) 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 observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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