

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47677 of 2023

Arising Out of PS. Case No.-129 Year-2023 Thana- DIGHWARA District- Saran

MUNNA PASWAN Son of Late Kishore Paswan @ Rajkishor Manjhi
Resident of village - Anant Mirzapur, P.S. - Dighwara, Distt. - Saran at chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2023 The petitioner is apprehending arrest in connection with Dighwara P.S. Case No. 129 of 2023 instituted under under Section 30(a) & 41(1) of the Bihar Prohibition and Excise Act lodged on 16.4.2023 by the informant, Ravi Shankar Kumar.

As per the prosecution story, the police raided the spot and upon search, 60 liters of country made wine kept in plastic gallon, 600 kgs of Jaggery, 10 kgs of 'Nausadar' and a mobile were recovered. Accordingly, the seizure list prepared and the FIR lodged.

Learned counsel for the petitioner submits that admittedly, seizure is from an open place and only because he has criminal antecedent, implicated by the police.

Learned APP opposes the prayer stating that the



'Chowkidar' identified the petitioner.

Considering the fact that the alleged recovery is from an open place, FIR lodged and ultimately the petitioner will have to face the trial, 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) with two sureties of the like amount each in connection with Dighwara P.S. Case No. 129 of 2023 to the satisfaction of learned Additional District and Sessions Judge, 2nd, cum 1st Exclusive Special Judge, Excise, Saran at Chapra or his successor in office 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 month for next one year 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.

(Rajiv Roy, J)

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