

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 46105 of 2023

Arising Out of PS. Case No.-381 Year-2022 Thana- LADANIA District- Madhubani

Bahuru Paswan @ Bahura Paswan @ Bahru Paswan, son of Dukhi Paswan,
Village- Sarsara Pathrahi Ps- Ladhaniya Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Ladaniya P.S. Case No. 381 of 2022 dated 16.12.2022, registered for the alleged offences under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, recovery of 32 litres of illicit country made Mahua liquor was made from bushes near a pond and the police came to know from the villagers that the seized liquor belong to this petitioner and other co-accused persons.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case only on the basis of confessional statement of the villagers. Nothing incriminating has been recovered from the person or possession of the petitioner. The petitioner is not involved in any manner with the alleged liquor. Petitioner has nothing to do with the place from where the recovery has been made. Petitioner is having clean antecedent.

5. Learned APP opposes the prayer for anticipatory bail made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the recovery has not been shown from the possession of this petitioner and the same has been recovered from an open place and also considering the fact that the petitioner has been made accused in this case only on the basis of suspicion, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge (Excise Act), Madhubani/court concerned, in connection with Ladaniya P.S. Case No. 381 of 2022, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and



the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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