

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52880 of 2023**

Arising Out of PS. Case No.-89 Year-2015 Thana- GOVERNMENT OFFICIAL COMP. Dis-  
trict- Darbhanga

=====

PAWAN SAH S/O LATE JALESHWAR SAH R/O VILLAGE- KHARUA,  
PS. SADAR, DIST. DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Baidya Nath Prasad  
For the Opposite Party/s: Mr. Ahmad Ali

=====

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      19-08-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case regis-  
tered for the offences punishable u/s 47 (a) of Bihar Prohibition  
and Excise Amendment Act, 2018.

3. Altogether 9.6 liters of country made liquor is said to  
have been recovered from a tea stall.

4. It is submitted by learned counsel for the petitioner that  
the petitioner is quite innocent and has committed no offence.  
No incriminating article has been recovered from the conscious  
physical possession of the petitioner. He has no concern either  
with the seized liquor or any trade of liquor. He has been falsely  
implicated in this case at the instance of his enemy. He was not



apprehended on the spot and his name transpired in the case only on the basis of suspicion. Petitioner has no concern with the alleged tea stall from where the recovery has been made. Petitioner has no criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below, where the case is pending/Successor court, in connection with G.O. Excise Case No.89 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to



inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the Patna High Court Legal Services Committee.

**(Anjani Kumar Sharan, J)**

shikha/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

