

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52513 of 2023

Arising Out of PS. Case No.-379 Year-2023 Thana- HARSIDHI District- East Champaran

Jhиту Paswan @ Ranjesh Paswan S/O Yogendra Paswan R/O Village-
Ghograhan Bairiya, Bairiyadih, P.S- Harsidhi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-08-2023 Heard Mr. Ajay Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Tarkeshwar Nath
Thakur, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Harsidhi P.S. Case No. 379 of 2023 registered under
Sections 272, 273 and 34 of the Indian Penal Code and Sections
30(a), 32, 34, 36 and 41(i) of the Bihar Prohibition and Excise
Act, 2018.

3. As per the allegation made in the F.I.R., altogether
76 litres of spirit was recovered from the house of the petitioner.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner has no concern with the
recovered spirit. Learned counsel further submits that petitioner
has falsely been implicated in the present case and he has no



criminal antecedent.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the nature of allegation made against the petitioner as well as the total quantity of spirit which has been recovered is 76 litres and petitioner has falsely been implicated in the present case, I am of the opinion that petitioner has made out a, *prima facie*, case to be released on anticipatory bail.

7. Court below is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Special Judge Excise Court No. 1, East Champaran, Motihari in connection with Harsidhi P.S. Case No. 379 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in



paragraph No.3 of the bail application, this order will
automatically loose its force.

(Purnendu Singh, J)

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Minu/-

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