

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52877 of 2023

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

MITHAILAL PASWAN @ MITHAI PASWAN SON OF YOGENDRA
PASWAN RESIDENT OF VILLAGE- GHOGHRAHAN BAIRIYA,
BAIRIYADIH, PS- HARSIDHI, DISTT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s: Mr. Dilip Kumar No.1, APP

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 registered for the offences punishable u/s 272, 273/34 of the IPC and 30 (a), 32, 34, 36, 41(i) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Altogether 76 liters of spirit is said to have been recovered from house of co-accused Jhitu Paswan, who is the brother of the petitioner.

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 and also because petitioner is the brother of co-accused Jhitu Paswan. He further submits that petitioner is not the owner of the house from where the recovery has been made. Petitioner has one criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty 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 Harsidhi P.S. Case No.379 of 2023 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 afore-said amount in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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