

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64658 of 2023

Arising Out of PS. Case No.-366 Year-2023 Thana- SAHPUR District- Bhojpur

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Babloo Paswan @ Bablu Paswan, Son of Late Ramanand Paswan, R/o vill -
Ranisagar, P.S. - Shahpur, distt. - Bhojpur

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Malti Kumari, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Shahpur P.S. Case No. 366 of 2023 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act. He has got two criminal antecedents.

3. As per the prosecution story, on 12.08.2023, the informant along with other police personnel, during patrolling duty, got a secret information that this petitioner had kept illicit liquor near the bush at village Ranisagar. On this information, the police officials reached there and on seeing the police party, one person started fleeing away, police tried to catch him but he succeeded in fleeing away. On inquiry from the Choukidar, he disclosed the name of the accused person as Babloo Paswan

(this petitioner). On search, total 300 liters of illicit liquor was recovered from the bush.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the recovery is said to have been made from an abandoned place and the petitioner has no control over the said place.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case wherein it is submitted that the alleged liquor has been recovered from a bush which is an abandoned place and the petitioner has no control over the said place, he has been made accused merely on suspicion and there is otherwise no independent material to connect him with the present case, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be released on bail in connection with Shahpur P.S. Case No- 366 of 2023 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 Exclusive Special Judge Excise, Excise Court No. II, Bhojpur, Ara, subject to the conditions as laid

down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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