

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64714 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- NTPC KHAIRA District- Aurangabad

Jogan Paswan @ Yogendra Paswan Son Of Sh. Lakhan Paswan Resident Of
Village- Chhedhi Bigha Gamhariya, Ps- N.T.P.C. Khaira Distt- Aurangabad

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Rajesh Kumar, APP

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 N.T.P.C. Khaira P.S. Case No. 68 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018. He has got no criminal antecedent.

3. As per the prosecution story, the informant, a police personnel, while on patrolling duty got a secret information that a person carrying illicit liquor is coming from Gamhariya village. Accordingly he reached at the said place where on seeing the police, one person fled away after throwing a bag. Upon search of the bag, ten litres country made mahua liquor was recovered.

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 alleged recovery of liquor has been made from an agricultural field which is an open place and this petitioner has no concern either with the alleged liquor or with the land from where the liquor has been recovered.

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

6. Having regard to the submission that the alleged illicit liquor has been recovered from an agricultural field which is an open space and is accessible to public at large, there is no recovery from exclusive possession of the petitioner and the petitioner has otherwise no criminal antecedent, 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 N.T.P.C. Khaira P.S. Case No. 68 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 Additional District and Sessions Judge-II-cum-Special Judge-Excise Aurangabad 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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