

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68259 of 2023

Arising Out of PS. Case No.-49 Year-2022 Thana- TEKARI District- Gaya

Manish Paswan @ Manish Kumar, S/O- Nandkishor Paswan, resident of
Village- Malsari P.S.- Tekari (Panchanpur OP), District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-11-2023 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 Tekari (Panchanpur O.P.) P.S. Case No.49 of 2022 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016. The petitioner has got two criminal antecedents and in both the cases he is said to be on bail.

3. As per the prosecution story, allegedly 40 liters of country made liquor have been recovered from the forest area near Malsari village.

4. Learned counsel for the petitioner submits that the illicit liquors were recovered by police from a place which is not



in possession of the petitioner and the seizure list bears the signature of two constables only. Learned counsel submits that the name of the petitioner has been falsely provided by the Chowkidar even as nothing has been recovered from his possession.

5. Learned A.P.P. 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 illicit liquors were recovered by police from a place which is not in possession of the petitioner and the seizure list bears the signature of two constables only and further that the name of the petitioner has been falsely provided by the Chowkidar even as nothing has been recovered from his possession, this Court directs that in case of his arrest/surrender within a period of six weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.02, Gaya in connection with Tekari (Panchanpur O.P.) P.S. Case No. 49 of 2022, 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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