

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65732 of 2023

Arising Out of PS. Case No.-226 Year-2023 Thana- SURYAGARHA District- Lakhisarai

DAMODAR PASWAN @ CHAMODAR PASWAN SON OF LATE
BHIKHO PASWAN RESIDENT OF VILLAGE- MANUCHAK, PS-
SURAJGARHA, DISTT- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-12-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Surajgarh P.S. Case No. 226 of 2023 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 21.06.2023 by the informant, Mankeshwar Prasad.

3. As per the prosecution story, the police search the house and 10 litres country made liquor kept in a gallon recovered/seized. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that recovery is not from his conscious possession rather from the house, he is a labour, 72 years of age having several diseases.



5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he has criminal antecedents of the same nature.

6. Taking into account the submissions as also the age and further recovery is from a joint house, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-IV-cum-Special Excise Court-1st, Lakhisaria in connection with Surajgarha P.S. Case No. 226 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

8. With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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