

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75193 of 2022

Arising Out of PS. Case No.-181 Year-2018 Thana- SASARAM MUFFSIL District- Rohtas

Shiv Paswan @ Shiv Kumar Paswan Son Of Baban Paswan Resident Of
Village- Semara Total, Rampur, P.S.- Sasaram (Muffasil), District- Rohtas at
Sasaram

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chhote Lal Mishra, Adv

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Sasaram (Muffasil) P.S. Case No. 181 of 2018 for the
offence registered under sections 414 of the Indian Penal Code
and 30 (a) of the Bihar Prohibition & Excise Act 2016.

As per the prosecution story, on confidential
information, the police reached the place of the occurrence and
altogether 50 liters country made liquor was/ were recovered/
seized near the bank of Kaw river and 99 liters country made
liquor from the house of Ram Singh. The allegation against the
petitioner and others is / are that preparation of the said liquor.

The case of the petitioner is/are that:



(i) the name of the petitioner has been dragged in the present case on the basis of secret information which was received by police;

(ii) nothing has been recovered either conscious or physical possession of the petitioner;

(iii) the land in question where liquor was found does not belong to the petitioner.

Learned counsel for the petitioner submits that he is ready to abide by all the terms and conditions and further intends to pay Rs. 10,000/- to Patna High Court Legal Services through bank draft issued by the SBI, local branch.

Learned APP opposes the prayer for bail of the petitioner.

Considering the fact that the recovery of 10 liters country made liquor is near the bank of Kaw river which is an open place, nothing has been recovered from his conscious possession, ultimately he has to face trial, this court is inclined to extend him privilege of anticipatory bail with conditions, subject to payment as stated above.m,

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise court-II, & Sessions Judge, Rohtas at Sasaram in connection with Sasaram (Muffasil) P.S. Case No. 181 of 2018, subject to the conditions 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/her bona fide;

(ii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iii) 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;

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

(v) 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;

(vi) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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