

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74430 of 2022

Arising Out of PS. Case No.-218 Year-2022 Thana- KHANPURA District- Samastipur

Gurdev Paswan Son Of Chandradev Paswan Resident Of Village- Barahgama,
P.S.- Khanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and the learned APP for the State through virtual mode in view of COVID-19.

The petitioner apprehends his arrest in connection with Khanpur P.S. Case No.218 of 2022 instituted under Section 30(a) of Bihar Prohibition and Excise act, 2018.

As per the prosecution story, the police raided the house of the petitioner herein and allegation is that 14.25 liter liters of countrymade liquor was recovered from the possession of the grandmother of the petitioner who gave the name of the petitioner and on further search, 565.41 liters countrymade liquor were recovered and accordingly the FIR was lodged.

Learned counsel for the petitioner submits that recovery is from joint house of the petitioner and in the absence of the petitioner. He has no concern with the recovery of the



liquor and which has not been made from the conscious possession. He is innocent and has committed no offence. Further submission is that irrespective of the outcome of the present petition, the petitioner intends to deposit Rs.50,000/- to the Patna High Court Legal Services Committee through Demand Draft issued by the local State Bank of India branch.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the fact that the recovery/seizure is from the house and is joint property. The petitioner is a young person, he need a chance to reform himself and ultimately he will have to face the trial, this Court is inclined to grant him privilege of bail subject to payment of Rs.50,000/- as stated above.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) each with two sureties of the like amount each in connection with Khanpur P.S. Case No.218 of 2022 to the satisfaction of learned Special Judge, Excise Court-I, Samastipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:



(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 will make himself available to the police as and when required in course of investigation;

(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/her 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 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 the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

U		T	
---	--	---	--

