

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23420 of 2024

Arising Out of PS. Case No.-256 Year-2023 Thana- Excise P.S. District- East Champaran

Santosh Paswan S/o- Sitaram Paswan Resident of Village- Math Garib PS -
Chakiya Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 02-04-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases.

4. Allegation is of recovery of 307.80 litres of liquor
from a hut.

5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession and even the alleged
recovery is from a hut which does not belong to the petitioner
and he came to be implicated based on confessional statement of
Lalan Prasad Ray and Chhotu Kumar in police custody which



does not have any evidentiary value in the eye of law. It is further submitted that it appears that the police in order to save the real culprits falsely implicated the petitioner through Lalan Prasad Ray and Chhotu Kumar taking advantage of the criminal antecedent of the petitioner.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Excise (Madhuban) P.S. Case No. 256 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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