

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28035 of 2024

Arising Out of PS. Case No.-560 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Subodh Paswan S/O Prabhu Paswan RESIDENT OF VILLAGE AMADIPUR
WARD NO 10, P.S - Patori, DIstt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 15-04-2024 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 (Amendment) Act, 2022.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

4. Allegation is of recovery of 5 litres of liquor from
the house of Sudama Devi and 10 litres of liquor from a
motorcycle.

5. Learned counsel for the petitioner submits that
petitioner was not arrested from the spot, as such, nothing was
recovered from his conscious possession nor the alleged
recovery was made from a place which belongs to the petitioner
neither he is owner of the seized motorcycle. It is further



submitted that the police in mechanical manner implicate the innocent person either at the instance of the Chawkidar or the local person but then it absolutely does not stand to reason that if the Chawkidar was aware of the involvement of the petitioner in the occurrence at whose instance he has been implicated then why he did not inform the police prior to the institution of the instant FIR which casts an aspersion on the case of the prosecution, when petitioner admittedly is a person with clean antecedent.

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.500/- (Rupees Five Hundred) 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 Patori P.S. Case No. 560 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting



the bail bonds of the petitioner, shall verify the criminal antecedent of the petitioner and if it is found that petitioner has antecedent of even one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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