

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40031 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- HARSIDHI District- East Champaran

Firoj Paswan S/O Bhola Paswan R/O Ghorghraha Bairiya Dih, P.S. Harsidhi,
Dist-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishal Prasad, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Harsidhi P.S. Case No. 97 of 2024 for the offence registered under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 27.02.2024 by the informant, Bibha Bharti.

3. As per the prosecution story, the informant alleged that upon secret information that the accused persons are selling liquor, police reached near the house of Firoj Paswan when two persons tried to escape with the sacks in their hand, police managed to apprehend one person. He was Banka Paswan and there was recovery of 5 litre country made liquor from him. Further the police along with him reached the shop of this



petitioner and recovered/seized 7 litre of country made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that admittedly, recovery/seizure is from Banka Paswan, even the shop of the petitioner is an open place, he was not there, to implicate him this story of recovery/seizure of 7 litre. The last submission is that the petitioner do not have any criminal antecedent.

5. Learned APP opposes the prayer submitting that the recovery/seizure is from the shop of the petitioner.

6. Taking into account the fact that the first recovery/seizure is from Banka Paswan and later from the shop which is an open place and the petitioner was not present there and he do not have criminal antecedent, let the petitioner be released on bail in the event of 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 the learned Court of Special Judge, Excise Court-I, East Champaran, Motihari, in connection with Harsidhi P.S. Case No. 97 of 2024 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/relative



of the petitioner who shall provide official document to show his/her 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 his 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 his bail bonds.

(Rajiv Roy, J)

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