

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40837 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- Geedha District- Bhojpur

JITENDRA PASWAN S/O SIYARAM PASWAN R/O KAYAM NAYAR,
BHOJPUR, KAYAM NAYAR, DISTT.- BHOJPUR, BIHAR- 802314.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Aashi Wats, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Gidha P.S. Case No. 04 of 2024 for the offence punishable under section 30(a) of Bihar Prohibition and Excise Act, 2018 lodged on 12.03.2024 by the informant, Akhilesh Tiwary.

3. As per the prosecution story, the police upon information that the accused persons are selling illicit liquor, raided the said place. One person managed to escape and the locals gave the name of the person as Sonu Choudhary. From the street, there was altogether recovery of 40 litres country made *Mahua* liquor. Further, when the police went near Brick Kiln, another person escaped and the locals gave the name of the person as this petitioner and again, there was recovery of 30 litres *Mahua* liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the



locals have named him only due to village enmity, he has no role to play in the alleged seizure, do not have criminal antecedent and is ready to abide by the terms and conditions.

5. Learned APP opposes the prayer submitting that recovery/seizure has been made and the locals have named this petitioner beside Sonu Chaudhary.

6. Taking into account the fact that recovery/seizure is from an open place, the petitioner do not have criminal antecedent, FIR lodged and will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. However, if it is found that the petitioner do have criminal antecedent, the order shall become infructuous.

8. 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 learned Special Judge Excise Court-II, Bhojpur, Ara, in connection with Gidha P.S. Case No. 04 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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