

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40680 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- DESARI District- Vaishali

Rajesh Paswan @ Rajeshwar Paswan Son Of Bishun Paswan @ Bishnu Paswan @ Bishuni Paswan R/O- Village- Panapur Raghunath, P.S.- Desari, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Ms. Indu Kumari Srivastava, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

02. In the present case, the petitioner is apprehending his arrest in connection with Desari P.S. Case No. 24 of 2024, registered for the alleged offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

03. As per prosecution case, a secret information has been received by Anti Liquor Task Force about the petitioner and co-accused unloading a huge quantity of illicit liquor from a boat. A raid was conducted at the identified place and recovery of 400 liters of country made *chulai* liquor kept in six sacks was made from the spot.

04. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case.



The petitioner has been named in this case merely on suspicion on saying of informer. Nothing has been recovered from the person or possession of this petitioner. Apparently, the recovery has been made from an open place and the petitioner has not concern with the said place or the seized liquor. The petitioner is neither sailor nor owner of the alleged boat. Learned counsel further submits that from the FIR, it is evident that no *prima facie* case is made out against the petitioner, who is having antecedent of one case.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail submitting that the petitioner is having antecedent of similar nature.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and the alleged recovery is from an open place and further considering the strong possibility of false implication in the absence of cogent material, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Desari P.S. Case No. 24 of



2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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