

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45575 of 2024

Arising Out of PS. Case No.-73 Year-2024 Thana- BEERPUR District- Begusarai

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1. Kundan Kumar @ Kundan Paswan Son of Garib Paswan Village- Maida Babhangama, PS- Birpur, Dist- Begusarai
 2. Robin Kumar @ Robin Paswan Son of Suresh Paswan Village- Maida Babhangama, PS- Birpur, Dist- Begusarai
 3. S. P. Paswan Son of Fulchan Paswan Village- Maida Babhangama, PS- BIRPUR, Dist- Begusarai
 4. Fudo Paswan @ Kamaldeo Paswan Son of Ramvilas Paswan Village- Maida Babhangama, PS- Birpur, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 24-07-2024 Learned counsel for the petitioners submits that the petitioner nos. 3 and 4 have been arrested and, therefore, he seeks permission to withdraw this petition for petitioner nos. 3 and 4.

2. Permission is accorded.

3. Hence, this Cr. Misc. Application is dismissed as withdrawn for petitioner nos. 3 and 4.

4. Heard learned counsel for the petitioner nos. 1 and 2 and learned A.P.P. for the State.

5. The petitioner nos. 1 and 2 apprehend their arrest in



connection with Birpur P.S. Case No. 73 of 2024 instituted under Section 30(a) of the Bihar Prohibition & Excise Act.

6. As per the prosecution case, on getting secret information, the raid was conducted and there was recovery of 10 litres of *mahua*, alongwith stove, utensil, gas cylinder, etc. from the field of one Ranjeet Malakar.

7. Learned counsel for the petitioners submits that petitioner nos. 1 and 2 are innocent and have been falsely implicated in this case. He further submits that the petitioners have no concern with the place of occurrence or the seized liquor and the other articles. Learned counsel submits that the petitioners have no criminal antecedent and due to village politics, they have been implicated in this case. He further submits that petitioner nos. 1 and 2 undertake to cooperate in the investigation and the trial.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

9. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner nos. 1 and 2 be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand)



each with two sureties of the like amount to each to the satisfaction of the learned Exclusive Special Excise Judge-1, Begusarai / Concerned Trial Court in connection with Birpur P.S. Case No. 73 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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