

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45862 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- CHHAURADANO District- East
Champaran

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1. Mithu Paswan Son of Rajdev Paswan
 2. Rajpati Devi Wife of Mithu Paswan, Both R/O Vill.- Kudarkat, P.S.-
Chhauradano, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jagdhari Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-07-2024 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 30(a), 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022 in connection with Chhauradano P.S. Case No.88 of 2024.

3. The learned counsel for the petitioners submit that the petitioner no.1 has antecedent of two cases and petitioner no.2 is a person with clean antecedent and is a women and allegation is of recovery of 48 liters of liquor from brick asbestos house of the petitioner.

4. It is next submitted that petitioners were not



arrested from the spot as such nothing was recovered from their conscious possession and even the house is under construction, as such no one is presently staying in the house, as such it appears that some one taking advantage of the said fact concealed meagre amount of liquor in the house for some ulterior reason. It is also submitted that petitioners came to be implicated at the instance of 'Chowkidar' with whom they are on inimical terms.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2, East Champaran at Motihari in connection with Chhauradano P.S. Case No.88 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. However, the learned trial court before accepting the bail bonds of the petitioners shall verify the criminal



antecedent of the petitioners and in the event, if it is found that petitioner no.1 has antecedent of more than two cases and petitioner no.2 has antecedent of even one case, in that event, the present anticipatory bail order shall not be given effect to.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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