

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44711 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- NOORSARAI District- Nalanda

Deva Paswan Son Of Gariban Paswan Resident Of Vill- Kokalakchak, P.S.-
Noor Sarai, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Noorsarai P.S. Case No. 169 of 2024 dated 23.04.2024,
instituted for the offence punishable under Section 30 (a) of the
Bihar Prohibition and Excise (Amendment) Act, 2002.

3. The prosecution case, in short, is that the informant
along with police personnel conducted a raid in the village
Kokalakchak, from where the petitioner along with other co-
accused fled away leaving total of 200 litres of illegal country
made liquor in the possession of co-accused Ankit Kumar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that name of the petitioner has been



dragged in this case on the basis of confessional statement of co-accused Ankit Kumar and local Chaukidar. It is further stated that co-accused Ankit Kumar was arrested at the spot by the police personnel. Learned counsel further submitted that nothing has been recovered either from the conscious possession or from the house of the petitioner. It is further submitted that the alleged recovery of 200 litres of illicit liquor is from the open space and petitioner has no concern with the said illicit liquor. Lastly, it has been submitted that the petitioner has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Noorsarai P.S. Case No. 169 of 2024, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional District and Sessions Judge-cum-Special Judge, Excise-2nd, Bihar Sharif, Nalanda, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the



following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.
2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.
3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.
4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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