

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47401 of 2024

Arising Out of PS. Case No.-21 Year-2024 Thana- Sri Nagar District- Purnia

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1. Rajesh Paswan son of Kailu Paswan Village- Sant Nagar Makhnaha W.No-1, Ps- Sri Nagar Dist- Purnea
 2. Rupesh paswan @ Rupesh Kumar son of Bishnundev Paswan Village- Bela Champawati Ps- Champa Nagar Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Ms. Rita Verma, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Srinagar P.S. Case No. 21 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, the police has recovered total 54.25 liter of illegal liquor from the house of the co-accused Sanoj Paswan @ Budhan Paswan.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case



due to highhandedness of the local village politics. He further submits that the petitioners were not apprehended on the spot and, hence, nothing incriminating has been recovered from their conscious possession. The names of the petitioners have transpired in this case on the basis of the confessional statement of co-accused Sanoj Paswan @ Bhudhan Paswan who has been granted bail by this Court vide order dated 19.06.2024 passed in Cr. Misc. No. 42004 of 2024. Except confessional statement of the co-accused, nothing has come against the petitioners in the entire record of the case. The petitioners have separate mess and house. The petitioners have no concern with the alleged occurrence or the seized liquor. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner no.1 has two criminal antecedents in which he is on bail whereas petitioner no.2 has one criminal antecedents in which he is also on bail.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of the case and taking into account the submissions made by the learned counsel for the petitioners, let the petitioners above-named, in the event of their arrest or surrender before the



learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Srinagar P.S. Case No. 21 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Rudra Prakash Mishra, J)

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