

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48334 of 2024

Arising Out of PS. Case No.-86 Year-2024 Thana- CHANDI District- Nalanda

Chhotoo Paswan @ Chhotoo Kumar @ Mohit Kumar Son of Sadhu Paswan
R/O Vill.- Madhopurdih, P.S.- Chandi, Dist.- Nalanda, Bihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Advocate Ms. Shiva Kumari, Advocate
For the State	:	Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-08-2024 Heard Ms. Shiva Kumari, learned counsel for the
petitioner and Mrs. Asha Kumari, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Chandi P.S. Case No. 86 of 2024 for the offence under section 30(a) of the Bihar Prohibition and Excise Act lodged on 22.02.2024 by the informant, Vipul Kumar Kashyap.

3. As per the prosecution story, the informant alleged that police upon secret information tried to intercept the accused persons but they escaped after leaving the plastic bag from which there is recovery of 15 liters of country made liquor. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that



nothing has been recovered from his conscious possession and only on the basis of enmity, the locals gave the name which resulted into implication. Further he will be cooperating in the investigation and diligently appear in trial.

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Taking into account the fact of the case and submission made on behalf of the parties as also that nothing has been recovered from the conscious possession of the petitioner, it is recovered from an abandoned bag, the petitioner undertakes to diligently appear in trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge V-cum-Special Judge (Excise), Bihar Sharif, Nalanda, in connection with Chandi P.S. Case No. 86 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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