

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50805 of 2024

Arising Out of PS. Case No.-48 Year-2024 Thana- RUDRAPUR District- Madhubani

1. Dilip Paswan, Son Of Pulkit Paswan, Resident Of Village - Batsara, P.S. - Rudrapur, District - Madhubani
2. Chunchun Paswan, Son Of Tirpit Paswan, Resident Of Village - Batsara, P.S. - Rudrapur, District - Madhubani
3. Tirpit Paswan, Son Of Simrit Paswan, Resident Of Village - Batsara, P.S. - Rudrapur, District - Madhubani

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-07-2024 1. Heard learned counsel for the petitioners and 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 272 and 273 of the I.P.C. and Section 30(a) of the Excise Act.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the allegation is of recovery of 40 litres of liquor from a bush.

4. The learned counsel for the petitioners submits that petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession and even alleged recovery is from a place, which does not belong to the petitioner and is accessible to public at large and they came to be implicated at the instance of Chaukidar. It is next submitted that how Chaukidar identified the petitioners, when petitioners are not known to him. It is next submitted that police in majority of cases implicating innocent persons either at the behest of Chaukidar or local person, which cast an aspersion of the case of the prosecution as implication appears to be mechanical.

5. Learned A.P.P. 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 their furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise 1st, Jhanjharpur, Madhubani in connection with Rudrapur P. S. Case No.48 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.



8. It is made clear that the learned trial Court before accepting the bail bonds of the petitioner shall verify the criminal antecedent of the petitioner and in the event, if it is found that petitioner has antecedent of even one case, in that event, the present anticipatory bail application shall not be given effect to.

(Satyavrat Verma, J)

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