

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56594 of 2024

Arising Out of PS. Case No.-36 Year-2024 Thana- HILSA District- Nalanda

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1. Rudal Paswan, Son of Late Balgovind Paswan, Resident of village - Kanhai Bigha, P.S.- Hilsa, District - Nalanda
 2. Vikash Paswan @ Vikash Kumar, Son of Rudal Paswan, Resident of village - Kanhai Bigha, P.S.- Hilsa, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-09-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Hilsa P.S. Case No. 36 of 2024, registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about petitioners selling illicit liquor from their house. A raid was conducted and from a hut, adjacent to the house of the petitioners, recovery of 5 litres of country made liquor was made.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent and have



been falsely implicated in this case. The petitioners were not apprehended from the spot and nothing incriminating has been recovered from the person or possession of the petitioners. Petitioner no.1 is the father of petitioner no.2 and they have no concern with the alleged hut. No offence under Bihar Prohibition and Excise Act is made out against the petitioners. Petitioner no.1 is having criminal antecedent of one case in which he is on bail whereas petitioner no.2 is having criminal antecedent of five cases of different nature.

5. Learned APP opposes the prayer for anticipatory bail.

6. Considering the long criminal antecedent of **petitioner no.2 Vikash Paswan @ Vikash Kumar**, I am not inclined to enlarge **petitioner no.2 Vikash Paswan @ Vikash Kumar** on anticipatory bail.

7. Accordingly, the prayer for anticipatory bail of the **petitioner no.2 Vikash Paswan @ Vikash Kumar** is rejected.

8. However, considering the fact that **petitioner no.1, Rudal Paswan** is having criminal antecedent of only one case, that too, of different nature and further considering the fact that no recovery has been shown from **petitioner no.1, Rudal Paswan** and also considering the possibility of false



implication, let the **petitioner no.1, Rudal Paswan**, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V-cum-Special Judge Excise, Biharsharif, Nalanda/concerned court in connection with Hilsa P.S. Case No. 36 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the **petitioner no.1, Rudal Paswan**.
- (ii) The **petitioner no.1, Rudal Paswan** will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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