

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54960 of 2024**

Arising Out of PS. Case No.-91 Year-2024 Thana- KOTWA District- East Champaran

1. Chhote Paswan Son of Late Ramrahan Paswan @ Late Ramharan Paswan  
Resident of Village - Kotwa, P.S.- Kotwa, District - East Champaran
2. Nand Kishor Paswan Son of Sugga Paswan Resident of Village - Kotwa,  
P.S.- Kotwa, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      07-08-2024                      1. Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case  
registered for the offence punishable under Section 30(a) of the  
Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Learned counsel for the petitioners submits that  
inadvertently at para 3 of the anticipatory bail application, it has  
been submitted that petitioners are persons with clean  
antecedent when petitioners have antecedent of one case.

4. Allegation is of recovery of 20 litres of liquor from  
the bamboo orchard of petitioner no. 1.

5. Learned counsel for the petitioners submits that  
petitioners were not arrested from the spot, as such, nothing was



recovered from their conscious possession. It is next submitted that bamboo orchard is accessible to villagers at large and it appears that someone inimical to the petitioner no. 1 planted meager amount of liquor with a view to implicate him and his family members. It is also submitted that petitioner no. 2 has no concern or relation with petitioner no. 1 and they came to be implicated at the instance of the Chawkidar. It is further submitted that the police in majority of the cases implicate either at the instance of the Chawkidar or local people in a mechanical manner without holding proper investigation of the case.

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

7. Considering 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.5,000/- (Rupees Five 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 Kotwa P.S. Case No. 91 of 2024, subject to the conditions as laid down under



Section 438 (2) of the Cr.P.C.

8. However, the learned trial court, before accepting the bail bonds of the petitioners, shall verify the criminal antecedent of the petitioners and if it is found that petitioners have antecedent of more than one case in that event the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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