

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55838 of 2024

Arising Out of PS. Case No.-642 Year-2023 Thana- BARHARA District- Bhojpur

Manish Paswan @ Teju Paswan Son of Hawaldar Paswan @ Havaladar Ram
R/V- VILLAGE- MOHANPUR KARJA, P.S.- BARAHARA, DISTT.-
BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Radha Krishna, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-09-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Barhara P.S. Case No. 642 of 2023 instituted under Sections 30(a) of the Bihar Prohibition and Excise Act lodged on 08.11.2023 by the informant, Bhola Prasad Singh.

3. As per the prosecution story, the informant alleged that on secret information that this petitioner is selling country made liquor, the place was raided, though accused managed to escape, the locals identified him as this petitioner, there was recovery of seven liters of country made liquor. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that due to enmity, his name has come, nothing has been recovered from



his conscious possession rather the recovery/seizure is from an open place. Last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer.

6. Taking into account the aforesaid facts as also that recovery is from an open place and the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Barhara P.S. Case No. 642 of 2023 to the satisfaction of learned Exclusive Special Excise Judge-I, Bhojpur at Ara subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(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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