

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54593 of 2023

Arising Out of PS. Case No.-417 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

SUBHASH CHANDRA PASWAN @ SUBHASH PASWAN S/o- GAYA
PASWAN Village- Sarari Ps- Patori Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate
For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-05-2024 1. Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2022 in connection with Patori P.S. Case No.417 of 2023.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and allegation is
of recovery of 80 liters of liquor from a banana orchard in front
of the house of the petitioner.

4. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession and even the alleged orchard from where the
recovery was made does not belong to the petitioner and he
came to be implicated in the instant case by villagers, but then



the name of the villager who disclosed the name of the petitioner is not disclosed in the FIR, which cast an aspersion on the case of the prosecution. It is also submitted that banana orchard is accessible to public at large and if villager was aware of the involvement of the petitioner in the occurrence, then why he did not inform the police prior to institution of the instant FIR, which cast an aspersion on the case of the prosecution.

5. The learned APP for the State opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.500/- (Rupees Five Hundred) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise)-02, Samastipur in connection with Patori P.S. Case No.417 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. 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 order shall not be given effect.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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