

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65027 of 2024

Arising Out of PS. Case No.-510 Year-2024 Thana- AURANGABAD TOWN District-
Aurangabad

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Madhusudan Paswan @ Masudan Paswan S/o Late Rohan Paswan R/o vill -
Thakurbadi road, beside river, ward no. 26, P.S. Aurangabad Town, Distt. -
Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioner and

learned APP representing the State.

2. The petitioner is apprehending his arrest in

connection with Aurangabad Town P.S. Case No. 510 of 2024

for the offence under Sections 30(a) of the Bihar Prohibition and

Excise Amendment Act, lodged on 15.07.2024 by the informant,

Devnath Shah.

3. As per the prosecution story, the informant

alleged that on the secret information, the house of Madhusudan

Paswan was raided and there is recovery of 5.40 litre of foreign

liquor has been made. Accordingly the F.I.R.

4. Learned counsel for the petitioner submits that

only because of criminal antecedent, the police has created a



story and have Shown a seizure of 5.40 litre of foreign liquor in any case recovery/seizure is from joint house not from his conscious possession. Further, the submission is that without accepting the allegation and/or the outcome of the fact that he is ready to pay Rs. 5,000/- to the District Legal Services Authority, Aurangabad (exclusively for the purchase of Journals).

5. Learned APP opposes the prayer for bail and submits that the petitioner has criminal antecedents.

6. Considering the aforesaid facts and submissions as also that the recovery is from joint house, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 5,000/- to the District Legal Services Authority, Aurangabad (exclusively for the purchase of Journals) and the receipt showing purchase of journals has to be submitted with the Trial Court.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, Aurangabad in connection with Aurangabad Town P.S. Case No. 510 of 2024 subject to the



conditions as laid down under Section 438(2) of the Cr.P.C., as also with the following 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;

(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)

Ankit Kumar/-

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