

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67914 of 2024

Arising Out of PS. Case No.-229 Year-2024 Thana- BHAGWANPUR District- Begusarai

Rupesh Paswan S/o Ram Vilash Paswan R/o Village- Karjan Tola, Ward No.
3, Manopur, P.S. - Bhagwanpur, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Sinha, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-10-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Bhagwanpur P.S. Case No. 229 of 2024 for the offence under sections 274, 275/3(5) of the B.N.S Act, 2023 and section 30(a) of the Bihar Prohibition and Excise Act, 2022 lodged on 03.08.2024 by the informant, Virendra Kumar.

3. As per the prosecution story, the informant alleged that on information that the accused persons are selling foreign liquor, went to the place but they escaped leaving the bag. From the bag which was left, 5 litres of country made liquor was recovered while from the motorcycle there was recovery of 13.185 liquor totalling 18.185 litres. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he has no role to play save and except that the motorcycle belongs



to him which was taken away by his friend. He has been implicated only because of criminal antecedent. The last submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner intends to deposit Rs. 5,000/- with the District Legal Services Authority, Begusarai (exclusively for the purchase of journals).

5. Learned APP opposes the prayer.

6. Considering the fact that nothing has been recovered from his conscious possession, his name has come due to he being the registered owner of the said motorcycle, FIR lodged, will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail, subject to deposit of Rs. 5,000/- with the District Legal Services Authority, Begusarai (exclusively for the purchase of journals).

7. Let the petitioner, above named, 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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Begusarai in connection with aforesaid PS Case, subject to the condition as laid down under Section 438(2) of the Cr.P.C. as well as the following conditions:-



(i) one of the bailors 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)

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