

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67777 of 2024

Arising Out of PS. Case No.-270 Year-2024 Thana- SAHPUR District- Bhojpur

Fadar Paswan S/O Sri Niwash Paswan Resident of Village- Sahjauli Dera,
Police Staion- Bihiya, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate
For the State : Md. Nazir Ansari, 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 Shahpur P.S. Case No. 270 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, lodged on 13.08.2024 by the informant, Rakesh Kumar.

3. As per the prosecution story, the informant alleged that upon secret information a motorcycle was intercepted and though he escaped from the motorcycle there is recovery of 50 liters of mahua wine. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that only because of criminal antecedent he has been implicated, the motorcycle does not belong to him and as such, there is nothing has been recovered from his conscious possession.

5. Learned APP opposes the prayer.



6. Taking into account the aforesaid facts, nothing has been recovered from his conscious possession and the motorcycle does not belong to him, this Court is inclined to extend him the privilege of anticipatory bail.

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) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Judge, Excise Court No.-II, Bhojpur, Arrah, in connection with Shahpur P.S. Case No. 270 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/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year 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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