

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71801 of 2024

Arising Out of PS. Case No.-221 Year-2024 Thana- SANDESH District- Bhojpur

Chitranjan Paswan S/o- Gunilal Paswan Village- Jugal Tola Repura Ps- Sandesh Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Adv.
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 23-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Sandesh P.S. Case No. 221 of 2024 dated 24.07.2024, instituted for the offence punishable under Sections 37 and 30 (a) of the Bihar Prohibition and Excise Act, 2018.

3. The allegation is of recovery of 20 litres country made *Mahua* liquor from TVS Luna motorcycle bearing Reg. No. BR01EV6492.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that only on the disclosure made by apprehended person, namely, Sanjay Choudhary, who was arrested at the spot, the petitioner has been made accused in this



case. It is submitted that petitioner has no concern either with the TVS Luna motorcycle bearing Reg. No. BR01EV6492 or with the seized illicit *Mahua* liquor. It is further submitted that the said TVS Luna motorcycle does not belong to the petitioner. Lastly, it has been submitted that he has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Sandesh P.S. Case No. 221 of 2024, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No. II, Bhojpur at Ara, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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