

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75394 of 2024

Arising Out of PS. Case No.-132 Year-2023 Thana- KEWATI District- Darbhanga

Rajiv Kumar Paswan S/o- Brahmdeo Paswan Resident of Village- Pitho, P.S.-
Keoti, Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Anand

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-11-2024 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Keoti Police Station Case No. 132 of 2023,
disclosing offences under Sections 30(a) of the Bihar
Prohibition and Excise Act, 2016.

3. As per the prosecution story, on 15.05.2023,
informant received secret information that a person on a scooter
is about to deliver liquor to someone in the village- Jalwara.
Thereafter, the police party proceeded towards Village- Jalwara.
At around 10.30 A.M., when they reached in Village- Jalwar,
informant saw a person sitting on a scooty bearing Reg. No.
BR- OTAN 8601 parked at Jalwara Chowk and also found a
gallon kept on the foot rest of the scooter. Further, it is alleged



that upon seeing the police, the person sitting on the scooter started fleeing away and succeeded in doing the same. On searching the Gallon loaded upon the foot rest of the scooter, the police recovered a total quantity of 20 liter of country made Chulai liquor.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and he has not committed any offence as alleged. Nothing has been recovered from the conscious possession of the petitioner. He next submit that though the petitioner is owner of the scooter but the same is being used by his brother as the petitioner sold his scooter to his brother on 02.02.2023 but could not transfer the same in the name of his brother. He further submits that petitioner is not named in the FIR and the petitioner got implicated merely on the basis of his being the owner of the scooter.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner has been implicated on the basis of his being the owner of the scooter and the same was being used by his brother, I am inclined to grant the petitioner privilege of anticipatory bail.



6. This application is, accordingly, allowed.

7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-I (Excise Act), Darbhanga, in connection with Keoti Police Station Case No. 132 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

HarshPandey/-

U		T	
---	--	---	--

