

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75641 of 2023

Arising Out of PS. Case No.-306 Year-2023 Thana- Excise P.S. District- Samastipur

1. SHANKAR PASWAN son of Bindeshwar Paswan Village- Akbarpur W.No-11, Ps- Kalyanpur Dist- Samastipur
2. Sonu Paswan son of Shankar Paswan Village- Akbarpur W.No-11, Ps- Kalyanpur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Excise P.S. Case No. 306/2023 registered under Sections 30 (a) and 45 of the Bihar Prohibition and Excise (Amendment) Act. lodged on 21.04.2023 by the informant, Sanjay Rajak.

3. As per the prosecution story, the informant upon secret information raided the house of Bindeshwar Paswan around 38 liters illicit liquor was/were recovered/seized Accordingly, the FIR.

4. Learned counsel for the petitioners submit that nothing has been recovered from their conscious possession



and recovery has been made from the arrested persons and whose confession, they have been implicated only because they have criminal antecedent.

5. Learned APP for the State opposes the prayer for anticipatory bail.

6. Taking into account the submissions put forward by the parties as also that nothing has been recovered from their conscious possession, this Court is inclined to grant them privilege of anticipatory bail.

7. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court-2, Samastipur in connection with Excise P.S. Case No. 306 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioners 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 their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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