

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78968 of 2024

Arising Out of PS. Case No.-144 Year-2024 Thana- BASOPATTI District- Madhubani

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Rajiv Paswan S/O Chintu Paswan Resident of Village- Manapatti, Ward No-11 , Hathapur, P.S- Basopatti, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Bhavesh Kumar Sah
For the Opposite Party/s : Mr. Ajay Kumar No. 2 (App)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 204-12-2024
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 Basopatti Police Station Case No. 144 of 2024, disclosing offences under Sections 274, 275, 3(5) of the BNS and Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, on 03.08.2024, informant got secret information that three persons having illicit liquor on three motorcycles, were coming towards Basopatti Bazar. On this information, police party reached at Kali Mandir Basopatti and started searching the vehicles and saw that motorcycle is coming from Kali Mandir Basopatti and on seeing the police party the persons sitting on the motorcycle tried to



flee away. On chase, one person was apprehended by the police force and two persons succeeded in fleeing away. Upon inquiry, the arrested person told his name as Sanjit Mandal and on search from his motorcycle bearing Reg. No. BR32E 6344, total 36 liters of illicit liquor, from the second motorcycle, bearing Reg. No. BR32A 8410, total 36 liters of illicit liquor and from the third motorcycle, bearing Reg. No. BR32AA 4733, total 135 liters of illicit liquor has been recovered.

4. Learned Counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged. Petitioner has been implicated due to ulterior motive on the instance of his enemies. Petitioner has been made accused in this case on the basis of his being the registered owner of the motorcycle bearing Reg. No. BR32AA 4733. He next submits that the petitioner had given his motorcycle to his co-villager for some personal work. He further submits that the petitioner was unaware that the co-villager to whom he had given his motorcycle, would misuse the vehicle in the manner alleged.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact and prima facie justification given by the petitioner, 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 2nd Additional Sessions Judge cum Special Judge Excise Act, Madhubani, in connection with Basopatti Police Station Case No. 144 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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