

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3121 of 2024

Arising Out of PS. Case No.-316 Year-2023 Thana- BABUBARHI District- Madhubani

1. JITENDRA PASWAN SON OF MAHANTHI PASWAN R/O VILLAGE-
BATHUAHA, P.S.- BABUBARHI, DISTRICT- MADHUBANI
2. DILIP PASWAN SON OF LATE BUCHAN PASWAN R/O VILLAGE-
BATHUAHA, P.S.- BABUBARHI, DISTRICT- MADHUBANI
3. SUNIL PASWAN SON OF LATE LUCHAN PASWAN R/O VILLAGE-
BATHUAHA, P.S.- BABUBARHI, DISTRICT- MADHUBANI
4. UTTIM PASWAN SON OF LATE MAHENDRA PASWAN R/O
VILLAGE- BATHUAHA, P.S.- BABUBARHI, DISTRICT- MADHUBANI
5. PRAMOD PASWAN SON OF SUKHDEO PASWAN R/O VILLAGE-
BATHUAHA, P.S.- BABUBARHI, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
		Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Syed Mojibur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-04-2024 Heard learned counsel for the petitioners and the

State.

2. The petitioners are apprehending arrest in connection with Babubarhi P.S. Case No. 316 of 2023 instituted under Sections 272, 273, 34 of the Indian Penal Code and 30(a) of Bihar Prohibition and Excise Act lodged on 06.10.2023 by the informant, Santosh Kumar.

3. As per the prosecution story, the informant and other police officials upon information, raided the number of



houses in the village and the allegation is/are of recovery/seizure of country made liquor from the different petitioners is/are as follows:

(i) from the petitioner no.1, Jitendra Paswan-14 liters;

(ii) from the petitioner no.2, Dilip Paswan-10 liters;

(iii) from the petitioner no.3, Sunil Paswan-14 liters;

(iv) from the petitioner no.4, Uttim Paswan-15 liters;

(v) from the petitioner no.5, Pramod Paswan-15 liters.

4. There is allegation of raid on other persons too as also the recovery/seizure.

5. Learned counsel for the petitioners submit that they are poor persons, the houses are common, were not even present and have been falsely implicated by the police only because they have criminal antecedents.

5. Learned APP opposes the prayer stating that the police raided and has shown recovery of the country made liquor.



6. Taking into account the fact that nothing has been recovered from their conscious possession, it is from the houses which they claimed to be joint, FIR lodged, will be facing the trial, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Babubarhi P.S. Case No. 316 of 2023 to the satisfaction of learned Additional District and Sessions Judge-II cum Special Judge Excise Act, Madhubani subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 co-operate in the



investigation and make themselves available to the police as and when required;

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

(v) 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 the bail bonds;

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

(Rajiv Roy, J)

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