

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85225 of 2023

Arising Out of PS. Case No.-159 Year-2021 Thana- BITHAN District- Samastipur

HARKHU PASWAN Son of Sap Paswan R/o vill - Ward no. 10, Godah,
Sakhwa, P.S. - Hassanpur, Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 414/34 of the I.P.C. and u/s 30(a) of the Bihar Prohibition and Excise Act.

3. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 114.12 liters of foreign liquor is said to have been recovered from one Bolero Container and one Tempo. No person was apprehended on the spot. Petitioner has been made accused because he is the owner of the said tempo. Petitioner was not apprehended on the spot. Petitioner has no concern either with the seized liquor or



any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

4. Learned APP for the State opposes the prayer for bail of the petitioner.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in account of Mahavir Cancer Sansthan, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection Birthan P.S. Case No. 159 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(i) The one of the bailors will be a close relative of



the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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