

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83617 of 2024**

Arising Out of PS. Case No.-93 Year-2024 Thana- DHORAIYA District- Banka

Shibu Paswan S/o Lal Musan Paswan @ Musan Paswan R/o Village- Assi,  
P.S.- Dhoraiya, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Brij Nandan Prasad  
For the Opposite Party/s : Mr. Nityanand

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      06-12-2024                      1. 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 offence punishable under Section 30(a) of  
Bihar Prohibition and Excise Act, 2018.

3. Learned counsel for the petitioner submits that  
inadvertently at para-3 of the anticipatory bail application, it has  
been pleaded that petitioner is a person with clean antecedent  
when petitioner has antecedent of two cases and allegation is of  
recovery of 150 litres of liquor from a maize field. It is next  
submitted that petitioner was not arrested from the spot as such  
nothing was recovered from his conscious possession and even  
alleged recovery is from a place which does not belong to the  
petitioner and is accessible to public at large and he came to be



implicated at the instance of chowkidar with whom he is on an inimical term. It is further submitted that if chowkidar was aware of the involvement of the petitioner in the occurrence then why he did not inform the police prior to institution of the instant F.I.R., which casts an aspersion on the case of the prosecution.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Dhoraiya P.S. Case No.93/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

6. It is made clear that the learned trial court before accepting the bail bonds of the petitioner shall verify the criminal antecedents of the petitioner and in the event if it is found that petitioner has antecedent of more than two cases, in



that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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