

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8734 of 2025

Arising Out of PS. Case No.-97 Year-2024 Thana- Champanagar District- Purnia

Sanoj Paswan @ Buddhan Paswan, Son of Late Kailu Paswan @ Kesu Paswan Resident of village Sant Nagar Makhnaha Ward No.1, P.S. - Srinagar, District – Purnea. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-03-2025 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R. and apprehending his arrest in connection with Champanagar P.S. Case No. 97 of 2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3.The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 42 litres of IMFL/country made liquor from the bush.

4. Learned counsel appearing on behalf of the petitioner submitted that one of the reason for implication of



this petitioner with present case is suspicion arising out of his criminal antecedents as he found involved in seven more criminal cases of similar nature. It is submitted that in almost all seven cases, his name transpires on the basis of confessional statement as of the present case, having no evidentiary value under the law. It is further submitted that recovery of illicit liquor appears to be made from an open field i.e. bush, which is accessible by general public and not from the physical possession of this petitioner. It is submitted that the merit of this case is in favour of this petitioner and, therefore, merely on the basis of criminal antecedents, his prayer of anticipatory bail could not be denied as per ratio settled by Hon'ble Supreme Court through ***Prabhakar Tewari Vs. State of Uttar Pradesh and Anr.,*** reported through ***(2020) 11 SCC 648.***

5. Learned APP opposes the prayer of bail.

6. Considering the aforesaid facts and circumstances and by taking note of fact as recovery of illicit liquor appears prima facie made from open place not from physical possession of this petitioner, accordingly, above



named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, Purnea/concerned Court, where the case is pending in connection with Champanagar P.S. Case No. 97 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the BNSS, with further condition:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J)

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