

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10576 of 2025

Arising Out of PS. Case No.-145 Year-2024 Thana- KUTUMBA District- Aurangabad

Bigan Paswan s/o Late Sohan Paswan Village- Bhukhan Bigha, P.S.- Salaiya,
Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar

For the Opposite Party/s : Mr.Shyam Bihari Singh

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 14-05-2025 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a), 34 and 36 of the Bihar Prohibition and Excise Act, 2016

3. As per the prosecution case, the recovery is of 4000 liters of spirit made from a 12 wheeler Hyva bearing Registration No.BR02T2336 and the petitioner is said to be the owner of the said vehicle.

4. Learned counsel for the petitioner submits that he had given the said vehicle to one Satish Kumar on rent for delivering gravel and he has no knowledge of the vehicle being put to illegal use. There is no recovery from the physical and conscious possession of the petitioner and there is no independent witness to the seizure list, thereby violating the mandatory provisions of search and seizure.



5. Learned APP for the State opposes the prayer of anticipatory bail application on the ground that there is one criminal antecedent brought on record by way of Supplementary Affidavit which is of same nature, in response to the same, it has been submitted that the petitioner is on bail in the said case.

6. Considering the above facts and circumstances, 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 District and Additional, Sessions Judge-cum-Exclusive Special Judge, Excise Court No.1, Aurangabad, in connection with Kutumba P.S. Case No.145 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and and subject to the further condition that:-

(i) the petitioner shall co-operate in the investigation/trial.

(ii) the learned Court would, however, verify the criminal antecedent of the petitioner and in case it is found that the petitioner has concealed his criminal antecedent, the Court below shall take step for cancellation of bail bond of



the petitioner. However, it is expected that the verification process would be done expeditiously without causing any delay.

(Soni Shrivastava, J)

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