

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16935 of 2025

Arising Out of PS. Case No.-350 Year-2022 Thana- LALGANJ District- Vaishali

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Pawan Kumar @ Pawan Sahni S/o- Jaleshwar Sahni Resident of Village-
Khanjaha chak PS- Lalganj District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. Shyameshwar Kumar Singh, Advocate
		Ms. Chaitanya Swaroop, Advocate
For the State	:	Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Lalganj P.S. Case No.350 of 2022 dated, 21.09.2022 registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act.

3. As per allegation, 2237.760 litre of foreign liquor has been recovered from community hall where the two co-accused viz., Jiyalal Singh and Gajendra Sah were found to be present and both of them were arrested and as per confessional statement of those arrested persons, the name of petitioner has transpired to have fled away from the place of occurrence.



4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the confessional statement of co-accused against the petitioner before the police has no evidentiary value and besides this confessional statement, there is no cogent material against the petitioner, because the contraband has neither been recovered from his personal possession, nor from his house. He has been implicated in this case without any cogent reason.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in four other cases.

7. However, learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his



furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1-cum-Additional District & Sessions Judge, Vaishali at Hajipur, in connection with Lalganj PS. Case No.350 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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