

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13009 of 2025

Arising Out of PS. Case No.-68 Year-2024 Thana- OBRA District- Aurangabad

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1. Santosh Paswan S/O Rajendra Paswan R/O Village- Mahadeva, P.S- Obra, District- Aurangabad, Bihar.
 2. Rajendra Yadav S/O Late Surdayal Yadav R/O Village- Mahadeva, P.S- Obra, District- Aurangabad, Bihar.
 3. Arun Paswan S/O Bharat Paswan R/O Village- Mahadeva, P.S- Obra, District- Aurangabad, Bihar.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Ms. Rupa Kumari, Advocate Mr. Yugal Kishore, Advocate
For the State	:	Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-02-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Obra P.S. Case No. 68 of 2024, dated 24.02.2024 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per allegation there was recovery of 30 liters liquor from a hut stituted at *Sone Diara*. However, the persons involved in the alleged offence, had fled away.

4. Learned counsel for the petitioners submits that the



Petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners are no way connected with the alleged offence. This case is based only on suspicion without any legal basis and the right to liberty of the person cannot be curtailed on such allegation. He further submits that no liquor has been recovered from the possession of the petitioners. He also submits that similarly situated co-accused namely, Rajesh Yadav has been enlarged on bail by this Court vide order dated 11.12.2024 passed in Cr. Misc. No. 84405 of 2024.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have 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 No. 2 has been made accused in four other cases in which he is on bail whereas petitioner No. 1 and 3 have no criminal antecedents.

7. learned APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their 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 their furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 02, Aurangabad, Bihar, in connection with Obra P.S. Case No. 68 of 2024 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 petitioners have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their 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 petitioners.

(Jitendra Kumar, J.)

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