

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14118 of 2025

Arising Out of PS. Case No.-1009 Year-2024 Thana- HAJIPUR SADAR District- Vaishali

1. Hira Paswan, S/o Late Lachchu Paswan, Resident of Village- Dighi Kala, Gop Tola, P.S- Hajipur Sadar, District- Vaishali, Bihar- 844102
2. Rajgir Kumar, S/o Nanda Paswan, Resident of Village- Dighi Kala, Gop Tola, P.S- Hajipur Sadar, District- Vaishali, Bihar- 844102

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Randhir Kumar, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-03-2025 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 Hajipur Sadar PS. Case No.-1009 of 2024 dated 28.12.2024, registered for the offences punishable under Sections 274, 275 of the B.N.S. Act 2023 and Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per allegation, 20 liter country made liquor has been recovered from an open field near the cow-shed of one of the petitioners, Rajgir Kumar.

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 recovery of the liquor has been made from open space accessible to all and there is no cogent material available against the petitioners which could connect them to the alleged offence.

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 petitioners have no criminal antecedents.

7. 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 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 Exclusive Special Excise Court No.I-cum-Additional District & Sessions Judge, Vaishali at Hajipur, in connection with Hajipur Sadar PS. Case No.-1009 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, 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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