

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16073 of 2025

Arising Out of PS. Case No.-436 Year-2024 Thana- DESARI District- Vaishali

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Baiju Paswan S/o Late Vishnu Paswan @ Late Kishuni Paswan Resident Of
Vill- Taiyabpur Kharjama, PS- Desari, District- Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad

For the Opposite Party/s : Mr.Uday Pratap Singh

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

3 15-05-2025 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2016

3. As per the prosecution case, there is a recovery of 20 litres of country made liquor from a plastic bag kept in the bushes.

4. Learned counsel for the petitioner submits that the place of recovery is from an open space, which is accessible to all. The name of the petitioner has transpired on the basis of secret information. 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 for anticipatory bail application on the ground that there are three criminal antecedent not of similar nature, in response to which learned counsel for the petitioner submits that he is on bail in all the said cases.

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 Exclusive Special Excise Court No.1 - cum - Additonal Distrist and Sessions Judge, Vaishali at Hajipur, in connection with Desari P.S. Case No.436 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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