

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22163 of 2025

Arising Out of PS. Case No.-66 Year-2024 Thana- KALUAHI District- Madhubani

Pawan Kumar Paswan Son of Harishchandra Paswan Resident of village -
Muraith, P.S.- Arer, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagandeo Yadav, Adv.
Mr. Vinod Kumar, Adv.
Mr. Rajesh Kumar, Adv.
For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-04-2025 Heard Mr. Rajesh Kumar, learned counsel for the
petitioner and Mrs. Sangeeta Sharma, learned APP.

2. The petitioner apprehends his arrest in connection
with Kaluahi P.S. Case No. 66 of 2024 for the offence registered
under sections 272, 273, 34 of the IPC and 30(a) of the Bihar
Prohibition and Excise Act lodged on 05.04.2024 by the
informant Rajendra Kumar Chourasia.

3. As per the prosecution story, the informant alleged
that during the regular patrolling, an e-rickshaw was intercepted
and there is/are seizure of 30 liter country made liquor. The
person who was intercepted is/was Md. Sahjad. Further, another
scooty was intercepted, the accused person gave their name as
Nandu Kumar Ray, Anand Kumar Saday, Chotu Ram and from



it, there is recovery/seizure of 5.760 liter of foreign liquor. Further from the waists of Anand Kumar and Chotu Kumar, 14.760 liter recovered/seized. This led to the FIR.

4. Learned Counsel for the petitioner submits that he is in the first part of the recovery/seizure inasmuch as the e-rickshaw belongs to him which was already sold to Md. Sahjad but he failed to get the vehicle transferred and as such, he has been named. Further, the petitioner do not have criminal antecedent and without accepting the allegation and/or the outcome of the present case, he intends to contribute Rs. 10,000/- to the District Legal Services Authority, Madhubani for the beautification of Civil Court Campus of Madhubani Judgeship through Demand Draft issued by the local branch of the State Bank of India.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he being the owner of the vehicle which was not transferred, cannot escape responsibility.

6. Taking into account the aforesaid facts as also that now the FIR is there, the actual recovery is from Md. Sahjad, he being the owner, got implicated. In that background, this Court is inclined to grant him the anticipatory bail with conditions



subject to payment of Rs.10,000/- to the District Legal Services Authority, Madhubani for the beautification of Civil Court Campus of Madhubani Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted to the Trial Court by the DLSA, Madhubani.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge, Excise Act, Madhubani in connection with Kaluahi P.S. Case No. 66 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark



attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. Let a copy of the order be sent to the Principal District and Sessions Judge, Madhubani for her perusal and needful.

(Rajiv Roy, J)

Vijay Singh/-

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