

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34311 of 2025

Arising Out of PS. Case No.-117 Year-2024 Thana- SAHJAHANPUR District- Patna

Banti Kumar @ Bantha son of Krishna Paswan Resident of village
-Singariyawan PS -Shahjahanpur District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Prasad, Advocate.

For the State : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 18-06-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Shahjahanpur P.S. Case No. 117 of 2024, dated 12.10.2024 registered for the offences punishable under Sections 317(2) of the B.N.S. and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, one co-accused has confessed that he had given 10 litres of illicit country made liquor to the petitioner. However, as per further case, the petitioner was not arrested on spot.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that petitioner has no connection with



the alleged offence. He further submits that the prosecution case is based only on suspicion. He also submits that there is no material in support of the allegation except so-called confessional statement of co-accused which is no evidentiary value. As such, no offence is made out against the petitioner and the anticipatory bail petition is maintainable.

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 bail petition that the petitioner has no criminal antecedents.

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 concerned Court Below, in connection with Shahjahanpur P.S. Case No. 117 of 2024, subject to the



conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, 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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