

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34649 of 2025

Arising Out of PS. Case No.-573 Year-2024 Thana- CHHATAUNI District- East Champaran

Vikash Paswan @ Vikash Kumar Son of Yogendra Paswan Resident of village
- Bara Bariyarpur, P.S.- Chhatauni, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2025 Heard Mr. Abhishek Kumar, learned counsel for the
petitioner and Mr. Manoj Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Chhatauni P.S. Case No. 573 of 2024 for the offence under section 30(a) of the Bihar Prohibition and Excise Act, 2016, lodged on 31.12.2024 by the informant, Indrakant Kumar.

3. As per the prosecution story, the informant alleged that on secret information, the bamboo orchard behind the house of the petitioner was raided and there is recovery/seizure of 30 litre country made liquor. This led to the FIR.

4. Learned counsel submits that it is the case of the petitioner that only because of criminal antecedent he has been implicated, admittedly, the recovery is from an orchard which is



an open place.

5. Learned APP opposes the prayer for anticipatory bail.

6. Taking into account the submissions of the parties as also that the recovery is from an open place, though petitioner has criminal antecedent, an undertaking has been given that he shall be diligently appearing in the trial and if any further case is lodged against him, the prosecution shall take step for cancellation of his bail bonds, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Court No.1, Motihari, East Champaran, in connection with Chhatauni P.S. Case No.573 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her 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 one year to mark his 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 his bail bonds.

(Rajiv Roy, J)

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