

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34679 of 2025

Arising Out of PS. Case No.-153 Year-2024 Thana- SIKTI District- Araria

Rakesh Kumar Paswan S/O Late Badri Paswan R/O Village- Kali Bazar Ward
No.16, P.S.- Araria, Dist.- Araria

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-05-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehend his arrest in connection with Sikti P.S. Case no. 153 of 2024 for the offence registered under sections 30(a), 41, 32(2) of the Bihar Prohibition and Excise Act lodged on 15.10.2024 by the informant Ujjwal Kumar Singh.

3. As per the prosecution story, the informant alleged that on a secret information two motorcycles were intercepted and there is recovery/seizure of 126 liter and 108 liter of Nepali liquor respectively. This led to the FIR.

4. Learned Counsel for the petitioner submits that though the petitioner has criminal antecedents, only because one of the motorcycles from which 108 liter of Nepali liquor



belongs to the him, got implicated actually, it was sold to Anjit Khan on 09.10.2024. Further, The last submission is that without accepting the allegation and/or the outcome of the present case, the petitioner intends to contribute Rs.15,000/- to the District Legal Services Authority, for beautification/putting up flower pots in the Civil Court Campus of Araria 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 the petitioner owns one of the motorcycles.

6. Considering the submissions of the parties and also that it has been recorded that he sold the motorcycle earlier, FIR lodged, he shall be facing the music, in that background, this Court is inclined to grant them the anticipatory bail subject to payment of Rs. 15,000/- to the District Legal Services Authority, Araria for beautification/putting up flower pots in the Civil Court Campus of Araria Judgeship through Demand Draft issued by the local branch of the State Bank of India and the receipt of the expenditure shall be submitted to the trial Court by the DLSA..

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 bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge Cum Exclusive Special Excise Judge-II, Araria in connection with Sikti P.S. Case No. 153 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 bond.

8. A copy of the order be sent to the Principal District and Sessions Judge, Araria for his/her perusal and needful.

(Rajiv Roy, J)

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