

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37226 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- KARPI District- Jehanabad

1. Sunil Paswan @ Sunil Kumar S/O Late Umesh Paswan Resident of Village-
Puran Bajitpur Tari, P.S.- Karpi, District- Arwal.
2. Anil Paswan S/O Late Umesh Paswan Resident of Village- Puran Bajitpur
Tari, P.S.- Karpi, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-06-2025 Heard the parties.

2. The petitioners are apprehending arrest in connection with Karpi P.S. Case No. 47 of 2025 instituted under Section 338, 336(3), 340(1), 340(2), 318(4), 317(5) of BNS, 2023 & 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 lodged on 05.03.2025 by the informant, Binay Kumar Pandey.

3. As per the prosecution story, the informant alleged that during patrolling, they got information about the petitioners engaged in liquor business, visited the place and there is recovery/seizure of 10 liters of country made liquor beside two gas cylinders as also a stolen motorcycle. This led to two FIRs,



one for the liquor and other for the stolen motorcycle. The present case relates to the recovery of liquor.

4. Learned counsel for the petitioners submit that the recovery/seizure is from an open place and not from their conscious possession and only because of criminal antecedent, got implicated. They shall be diligently appearing in trial.

5. Learned APP opposes the prayer.

6. Considering the submissions of the parties as also the fact the recovery/seizure is from an open place, in that background, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Karpi P.S. Case No. 47 of 2025 to the satisfaction of learned Special Judge, Excise-II, Jehanabad subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;



(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every month for next one year to mark their attendance;

(v) the petitioners 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;

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

(Rajiv Roy, J)

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