

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37338 of 2025

Arising Out of PS. Case No.-12 Year-2025 Thana- MEHSI District- East Champaran

Kamlesh Paswan @ Sultan Paswan S/o- Sukhal Paswan Village- Dhargawa
Ps- Mehshi Dist- E. Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-06-2025 Heard the parties.

2. The petitioner is apprehending arrest in connection with Mehshi P.S. Case No. 12 of 2025 instituted under Section 30(a) of the Bihar Prohibition and Excise Act 22.01.2025 lodged on 22.01.2025 by the informant, Krishna Mohan Kumar.

3. As per the prosecution story, the Police upon secret information, reached the house of Manjay Bhagat when the accused persons tried to escape on motorcycle while two others managed to escape on foot. Those on motorcycle were taken into custody. They named themselves as Aakash Kumar and Anshu Kumar and gave the names of the other two persons who escaped as Kamlesh Paswan (the petitioner) and Dhiraj Kumar Yadav. Upon search, the allegation is that there is recovery of 250.560 liters of foreign liquor. This led to the FIR.



4. Learned counsel for the petitioner submits that only because of his criminal antecedent, he has been implicated. Nothing has been recovered from his conscious possession and the confession before the Police by those apprehended led to his implication. He is a student, 22 years of age.

5. The last submission is that irrespective of the outcome of the present case and/or accepting the allegation, the petitioner intends to contribute Rs.20,000/- to the District Legal Services Authority, East Champaran at Motihari for beautification of Civil Court Campus, East Champaran at Motihari through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

6. Learned APP opposes the prayer submitting that those apprehended has named him and he has criminal antecedent.

7. Considering the submissions of the parties as also that the recovery/seizure is from the bamboo orchard, those riding the motorcycle have named him, FIR is there, he shall be facing the music, in that background, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.20,000/- to the District Legal Services Authority,



East Champaran at Motihari for beautification of Civil Court Campus, East Champaran at Motihari through Demand Draft issued by the local branch of the State Bank of India and the receipt has to be submitted before the Trial Court.

8. Learned APP opposes the prayer submitting that those apprehended has named him and he has criminal antecedent.

9. Let the petitioner be released on bail, in the event of his 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) with two sureties of the like amount each in connection with Mehshi P.S. Case No. 12 of 2025 to the satisfaction of learned Exclusive Special Excise Court No.3, East Champaran at Motihari 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/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 six months to mark his attendance;

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

(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.

10. Let a copy of this order be communicated to the learned Principal District and Sessions Judge, East Champaran at Motihari for his perusal and needful.

(Rajiv Roy, J)

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