IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61417 of 2025

Arising Out of PS. Case No.-52 Year-2025 Thana- LAKHAURA District- East Champaran

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Chandeshi Paswan @ Chandsi Paswan S/o- Late Jiya Paswan Resident of village - Lakhaura, Mohra Tola, Mohar Tola, P.S.- Lakhaura, District- East Champaran

... ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate.
For the State : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 24-09-2025 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Lakhaura P.S. Case No. 52 of 2025, dated 22.02.2025 registered for the offences punishable under Sections 30(a), 32 and 41(1) of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, 185 litres of illicit liquor has been recovered from orchard belonging to the co-accused Jhagaru Sahani and as per confessional statement of co-accused who were apprehended on the place of recovery, the name of petitioner has transpired as an accomplice.

4. Learned counsel for the petitioner submits that the

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Petitioner is innocent and has falsely been implicated in this case. He further submits that recovery of contraband has been made from an open space accessible to public at large and nothing has been recovered from possession of the petitioner. The entire case of the prosecution is based on suspicion and there is no cogent material to connect the petitioner to the alleged offence. He also submits that no *prima facie* case is made out against the petitioner and hence, the present petition is maintainable and the petitioner deserves to be enlarged on anticipatory bail.

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 been made accused in another case in which he is on bail.

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

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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 Lakhaura P.S. Case No. 52 of 2025, 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 antecedent other than the disclosed one, 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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