

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63818 of 2025

Arising Out of PS. Case No.-141 Year-2024 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Gulshan Kumar @ Dhullu Paswan S/o Vimlesh Paswan Resident of Village-
Gopalpur, Gaachi Tola, Ward No. 10, P.S.- Cheriya Bariyarpur, District-
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Khushi Awadh

For the Opposite Party/s : Mr.Abhay Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-09-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Cheriya Bariyarpur P.S. Case No. 141/2024 for the offence under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act lodged on 31.07.2024 by the informant, Lalendra Sharma.

3. As per the prosecution story, the police, on a secret information raided the banana orchard of Rajnish Paswan. The is recovery/seizure of 130 liters of countrymade liquor. This led to the FIR.

4. Learned counsel for the petitioner submits that on perusal of the F.I.R. would show that recovery-seizure is from an open place and not from the conscious possession of the petitioner. The Chowkidar due to local enmity gave the name of



the petitioner. He has no criminal antecedent.

5. Learned APP opposes the prayer submitting that Chowkidar has named the petitioner.

6. Taking into account the submissions of the parties as also that recovery is from an open area, the petitioner has no criminal antecedent, in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. If, however, it is found that contrary to the statement made in paragraph-3, the petitioner has criminal antecedent, the present order shall become infructuous.

8. 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 Exclusive Special Excise Judge-I, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 141/2024, 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 six months 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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