

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69316 of 2025

Arising Out of PS. Case No.-97 Year-2025 Thana- PUSA District- Samastipur

Shri Ajay Kumar Paswan @ Ajay Kumar Paswan S/o Muneshwar Paswan @
Mundeshwar Paswan R/o Village- Bishanpur Bathua, P.S.- Pusa, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 09-10-2025 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Pusa P.S. Case No. 97 of 2025 for the offence registered under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act 2022.

3. As per the prosecution story, the informant alleged that on secret information, it reached near the house of Baijnath Singh and from a four wheeler, there is recovery of 15 liter liquor. This led to the FIR.

4. Learned Counsel for the petitioner submits that he is neither the driver/owner nor the cleaner and only because the *Choukidar* who is inimical to him, named him. The last



submission is that he has no criminal antecedent.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the *Choukidar* has named him.

6. Taking into account the submissions of the parties as also the aforesaid fact that he is neither the driver nor the owner nor has criminal antecedent, in that background, this Court is inclined to grant him the anticipatory bail with conditions.

7. However, if 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 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 of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise-I, Samastipur, District-Samastipur in connection with Pusa P.S. Case No. 97 of 2025 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 and at the end of the period, the certificate be submitted to the Court;

(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 bonds.

(Rajiv Roy, J)

Vijay Singh/-

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