

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78234 of 2025

Arising Out of PS. Case No.-154 Year-2025 Thana- PANDAUL District- Madhubani

1. Yogi Paswan Son of Juge Paswan Resident of Village -Vijay Salempur P.S -Pandaul District -Madhubani
2. Ashok Ram son of Juge Paswan Resident of Village -Vijay Salempur P.S -Pandaul District -Madhubani
3. Yogendra Paswan Son of Ruplal paswan Resident of Village -Vijay Salempur P.S -Pandaul District -Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Soban Asghar
For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 02-12-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.
2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 30(a) and 41(1) of Bihar Prohibition and Excise Act, 2016.
3. Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail application with respect to petitioner no.1, who was arrested during pendency of the anticipatory bail application.
4. Permission is accorded.
5. Learned counsel for the petitioners submits that



petitioner no.2 is a person with clean antecedent and petitioner no.3 has antecedent of one case and allegation is of recovery of 55 litres of liquor from a place near a garden. It is next submitted that petitioners were not arrested from the spot as such nothing was recovered from their conscious possession and even alleged recovery is from a place which does not belong to the petitioners and is accessible to villagers at large and they came to be implicated at the instance of chowkidar with whom they are on an inimical term. It is also submitted that if chowkidar was aware of the involvement of the petitioners in the occurrence then why he did not inform the police prior to institution of the instant FIR, which casts an aspersion on the case of the prosecution.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on provisional anticipatory bail on furnishing bail bonds of Rs.5000/- (Rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court



where the case is pending/successor court in connection with Pandaul P.S. Case No.154/2025, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

8. It is made clear that thereafter the learned trial court thereafter shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.2 has antecedent of even one case and petitioner no.3 has antecedent of more than one case, in that event, it would be presumed that petitioners had concealed their antecedent before this court, as such, the provisional anticipatory bail order shall not be confirmed with but but if on verification it is found that petitioner no.2 is a person with clean antecedent and petitioner no.3 has antecedent of one case, in that event the provisional anticipatory bail order shall be confirmed forthwith.

(Satyavrat Verma, J)

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