

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.83593 of 2024**

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

Rajnish Paswan @ Fantush Paswan S/O Naresh Paswan R/O Village-  
Gopalpur, P.S- Cheriya Bariyarpur, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Ms. Sangeeta Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH  
MISHRA**

**ORAL ORDER**

3      29-01-2025                      Heard learned counsel for the petitioner, learned APP  
for the State and perused the case diary.

2. The petitioner seeks bail in Cheriya Bariyarpur P.S.  
Case No. 141 of 2024, instituted for the offences punishable  
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that, 130 liters  
liquor was recovered from banana orchard behind the house of  
the petitioner.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has falsely been implicated in the  
present case. No incriminating material has been recovered from  
the conscious possession of the petitioner. The petitioner has got  
no concern with the alleged recovery of liquor. Learned counsel  
for the petitioner also submits that the petitioner was not



arrested on the spot. Name of the petitioner has transpired in this case on the basis of disclosure made by local chaukidar. It is further submitted that the alleged recovery has been made from banana orchard behind the house of the petitioner which is an open place as well as easily accessible to public at large and the same does not belong to the petitioner. The petitioner is in custody since 03.10.2024 and has got nine criminal antecedents in which he is on bail. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail ***after framing of charge, if not already framed*** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Cheriya Bariyarpur P.S. Case No. 141 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.



(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

**(Rudra Prakash Mishra, J)**

Rajorshi/-

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