

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87661 of 2024

Arising Out of PS. Case No.-49 Year-2024 Thana- AMJOR District- Rohtas

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Suraj Paswan @ Suraj Kumar S/O Lalan Paswan R/O Village- Bhisara, P.S-
Amjhor, Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate.
For the State : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Amjhor P.S. Case No. 49 of 2024 dated 18.11.2024, registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per allegation, 70 litres of *Mahua* liquor has been recovered from the agricultural field and as per further allegation, seeing the Police Party at the place of occurrence, one person succeeded in fleeing away. As per the information from the villagers, the person who fled away was the petitioner.

4. Learned counsel for the Petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that recovery is from open space and the petitioner has no concern with the alleged recovered liquor. He also submits that no *prima facie* case is made out against the petitioner, and hence, 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 petition that the petitioner has been made accused in three cases of similar nature.

7. Ld. 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 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 Exclusive Special Excise Court No. 2-cum-Additional District and Sessions Judge, Rohtas at Sasaram, in connection



with Amjhor P.S. Case No. 49 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any additional criminal antecedent, 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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