

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88956 of 2024

Arising Out of PS. Case No.-52 Year-2024 Thana- MALAHI District- East Champaran

1. Chhotelal Paswan, S/o- Late Gurchan Paswan Resident of village- Khajuriya ward No. 10 P.S.- Malahi, District- East Champaran (P.S.-Damodarpur Mathiya has wrongly been mentioned in the impugned order)
2. Rajendra Mahto @ Rajendra Prasad S/o- Jhulan Mahto Resident of village- Khajuriya ward No. 10 P.S.- Malahi, District- East Champaran (P.S.- Damodarpur Mathiya has wrongly been mentioned in the impugned order)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 08-01-2025 Learned counsel for the petitioners seeks permission to withdraw the anticipatory bail petition with respect to Petitioner No. 1 as he has already been arrested.

2. Permission is accorded.

3. Accordingly, the anticipatory bail petition with respect to Petitioner No. 1 is dismissed as withdrawn having become infructuous.

4. Heard learned counsel for Petitioner No. 2 and learned A.P.P. for the State.

5. Petitioner No. 2 apprehends his arrest in connection with Malahi P.S. Case No. 52 of 2024, instituted



under Section 30(a) of the Bihar Prohibition and Excise Act.

6. As per the prosecution case, there is recovery of 8 litre country made Chulai liquor from the bushes situated in Mango Orchard.

7. Learned counsel for Petitioner No. 2 submits that he is innocent and has falsely been implicated in this case. Petitioner no. 2 was neither present on the spot nor anything has been recovered from his possession. He has no concern with alleged place or the seized liquor. He has no criminal antecedent. He undertakes to co-operate in the investigation and trial.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

9. Considering the facts and circumstances of the case and submission of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, Petitioner No. 2 be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 01, East Champaran at Motihari in connection with Malahi P.S. Case No. 52 of 2024, subject to the conditions laid down in Section 482 (2) of the



Bhartiya Nagrik Suraksha Sanhita (B.N.S.S.), 2023.

(Sunil Dutta Mishra, J)

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