

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89294 of 2024

Arising Out of PS. Case No.-325 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Babloo Paswan @ Bablu Paswan S/o Dilip Paswan R/o village - Rampur
Raut, P.S. - Kusheshwar Ashthan, Dist. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Virendra Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 08-01-2025 Heard the learned Advocate for the petitioner and the

learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Kusheshwar Asthan P.S. Case No. 325 of 2024, registered
for the offences punishable under Sections 30(a) of the Bihar
Prohibition and Excise Act.

3. In course of search, 1.83 liters Indian made foreign
liquor was recovered from the go-down of the petitioner.

4. There is complete denial of any recovery from the
go-down of the petitioner. Learned Advocate for the petitioner
contended that the alleged recovery has been made nearby the
go-down of the petitioner. However, only on account of the fact
that the petitioner bears two criminal antecedent of identical
nature, his name has been implicated in this case. Drawing the
attention of this Court to the search and seizure, it is contended



that there is complete violation of the prescriptions provided under the BNSS, 2023, inasmuch as no videography has been done. It is further contended that save and except the suspicion, there is no other material suggesting the complicity of the petitioner in the crime. The petitioner has no concern with the alleged go-down and the illicit wine. Had the recovery been made from the go-down of the petitioner, he would have certainly filed an application for unsealing of the go-down, but the same has not been done, which also fortified the contention of the petitioner.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the submission of the petitioner that the alleged go-down does not belong to him and only on account of his past criminal antecedent, his name has been implicated in this case, apart from infirmities in search and seizure, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Exclusive Special Judge-II, Excise Act, Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 325 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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