

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3023 of 2025

Arising Out of PS. Case No.-898 Year-2023 Thana- SARAIYA District- Muzaffarpur

Mithun Paswan Son of Late Mishri Paswan Resident of Village- Madwa
Pakar, P.S.- Saraiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-03-2025 Heard the parties

2. The petitioner is named in the F.I.R. and apprehending his arrest in connection with Saraiya P.S. Case No. 898 of 2023 registered for the offences punishable under Section 272, 273, 34 of IPC and Section 30(a), 32(1), 36, 41(1), 41(2) of the Bihar Prohibition and Excise Act.

3. The allegation against the petitioner is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 69 litres of IMFL/country made liquor

4. It is submitted by learned counsel appearing



on behalf of the petitioner that the implication of this petitioner in the present case appears on the basis of statement of *chawkidar* who found petitioner running from the car carrying the illicit liquor, where one co-accused namely, Pappu Rai was also said to run away leaving the car on spot carrying illicit liquor, which was later on seized by the police. It is submitted that by taking note of aforesaid fact one of the learned Coordinate Bench of this Court granted anticipatory bail to co-accused namely Pappu Rai in Cr. Misc. No. 49488 of 2024 through its order dated 24.07.2024. It is submitted that petitioner found involved in four more criminal cases and in almost all the cases his name transpired either on the basis of disclosure like of present case or out of confessional statement. In this context it is further submitted that petitioner deserve bail, if merit otherwise appears in his favor, irrespective of his criminal antecedents and in support of his submission learned counsel relied upon the legal report of Hon'ble Supreme



Court as available through ***Prabhakar Tewari vs. State of Uttar Pradesh and Anr.*** reported in ***(2020) 11 SCC 648.***

5. Learned APP, opposed the prayer of bail.

6. In view of aforesaid factual and legal submission and by taking note of fact that as recovery of illicit liquor *prima-facie* not appears to be made from the physical possession of this petitioner, where similarly situated co-accused has already been granted anticipatory bail by one of the learned Co-ordinate Bench of this Court as discussed aforesaid, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court no. II, Muzaffarpur/concerned Court, where the case is pending in connection with Saraiya P.S. Case No. 898 of 2023, subject to the



conditions as laid down under Section 438(2) of the
Cr.P.C/Section 482(2) of BNSS., with further conditions:-

- (i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.
- (ii) That after framing of the charge petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(Chandra Shekhar Jha, J)

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