

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89554 of 2024

Arising Out of PS. Case No.-1098 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Darbhanga

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Ajay Paswan S/o Late Ramprit Paswan R/O Belashankar, Ward no 3,
P.S.University, Lalit Narayan Mithila University, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishor Prasad, Adv.
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioner apprehends arrest in connection with
Prosecution report (P. R.) No. 31 of 2020 (G. O. No. 1098 of
2020) instituted for the offence punishable under Section 30(a)
of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation is of recovery of total 360 litres of
Nepali liquor from the pond situated at Ward No. 3 of village
Bela Shankar.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. It is further submitted that nothing has been recovered
either from conscious possession of the petitioner or from the



house of the petitioner rather the said illicit liquor was recovered from the pond which is a public place, accessible to all. The prosecution report has been submitted only on the basis of suspicion without disclosing any information with regard to the said allegation against the petitioner. Lastly, it has been submitted that petitioner has two criminal cases pending against him, which was lodged after the present case.

5. Learned APP has opposed the prayer for anticipatory bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner 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 the learned Special Judge-1st (Excise Act), Darbhanga, in P. R. Case No. 31 of 2020 (G.O. No. 1098 of 2020), subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the



court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that if the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

7. The application stands allowed.

(Khatim Reza, J)

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