

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 22547 of 2017

Arising Out of PS.Case No. -169 Year- 2017 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Kameshwar Paswan Son of late Radhe Paswan Resident of Ward No. 37,
Ashok Nagar, Pokhariya, P.S. Town, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal

For the Opposite Party/s : Mr. Md. Ashlam Ansari

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 13-07-2017 Heard learned counsel for the petitioner and Md.
Ashlam Ansari, learned Addl. Public Prosecutor.

The sole petitioner, apprehending his arrest in Begusarai Town P.S. Case No. 169 of 2017 registered for offence under Section 30(a) of the Bihar Excise Amendment Act, 2016, has prayed for grant of bail in the event of his arrest or surrender.

It was submitted by learned counsel for the petitioner that F.I.R. was lodged on self-statement of Sub-Inspector of Police of Begusarai Police Station. According to learned counsel for the petitioner, though date of occurrence has been shown as 05-04-2017, in a casual manner, the Sub-Inspector of Police, who is informant, has registered the case as if the case is for offence under Section 30(a) of the Bihar Excise Amendment Act, 2016. He submits that the Bihar Prohibition and Excise Act, 2016 was already implemented prior to lodging of the F.I.R., even though,



casualness of the police officer is evident in the F.I.R. that F.I.R. was lodged as if offence was committed under the Bihar Excise Amendment Act, 2016. Learned counsel for the petitioner has drawn my attention to Annexure – 3 to the petition i.e. Aadhar Card of the petitioner and submits that petitioner is an Advocate Clerk and he is residing in Ward No. 37, however; his son, who was residing in Ward No. 35 not with the petitioner, was made accused for keeping country-made liquor in his house. Merely since the petitioner is father of the accused Kundan Paswan, he has been falsely implicated in the present case.

Considering the nature of accusation and material on record, in the event of arrest or surrender within a period of six weeks from today, let the petitioner namely Kameshwar Paswan be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Begusarai in connection with Begusarai Town P.S. Case No. 169 of 2017, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J.)

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