

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11824 of 2018

Arising Out of PS.Case No. -2 Year- 2018 Thana -NADI P.S. District- PATNA

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Raju Paswan @ Rajnandan @ Rajnandan Paswan, S/o Late Ramdeo Paswan, Resident of Village- Bans Tal, Police Station- Nadi, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Vinod Shankar Modi

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-02-2018 Heard the learned counsel for the petitioner and the learned counsel for the State.

The petitioner seeks anticipatory bail in connection with Nadi PS case no. 2 of 2018 registered for the offences punishable under Sections 30(A/36) of the Bihar Prohibition and Excise Act.

The allegation is regarding recovery of 765 liters of illicit liquor from the cars and a poultry farm.

The learned counsel for the petitioner submits, as stated in paragraph-8 of the petition, that neither the said two vehicles nor the poultry farm belong to the petitioner, hence he has got no connection with the alleged recovery.

Considering the nature of accusation levelled against the petitioner herein as also the fact that prima facie no case is made out under the provisions of the Excise Act, though I am inclined to admit the petitioner herein to the privilege of anticipatory bail, but the same would be granted on provisional basis subject to confirmation by the learned trial court as to whether the petitioner is the owner of the said vehicles or the



poultry farm or not.

Accordingly, in the event of arrest or surrender before the concerned court within a period of four weeks from the date of receipt/production of a copy of the present order, the petitioner above named is directed to be released on anticipatory bail on provisional bail upon furnishing bonds of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, N.I.A. cum A.D.J. IV cum Spl. Judge, Excise Act, Patna in connection with Nadi PS case no. 2 of 2018, subject to the conditions laid down under Section 438(2) of Code of Criminal Procedure.

It is made clear that in case the petitioner is found to be the owner of either of the cars or the poultry form, then the provisional bail granted to the petitioner herein shall stand cancelled automatically and the petitioner would be liable to be taken into custody forthwith. However, in case the petitioner is not found to be the owner of the said cart or the poultry farm, the provisional anticipatory bail granted to the petitioner shall be confirmed.

The present petition stands disposed off.

(Mohit Kumar Shah, J)

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