

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.4971 of 2019**

Arising Out of PS. Case No.-70 Year-2018 Thana- ANGARGHAT District- Samastipur

Chandan Paswan @ Binda Paswan, son of Vindeshwar Paswan @ Vinda Paswan @ Bindeshwar Paswan, Village- Dihuli Angarghat, P.S - Angarghat, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar Roy

For the Opposite Party/s : Ms. Anita Kumari

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      30-01-2019                      Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Angarghat Police Station Case No. 70 of 2018, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

From the First Information Report, it appears that the police, in course of raid, recovered one bottle of foreign liquor containing 750ml. The persons from whose possession the illicit liquor was recovered are said to have disclosed the name of the petitioner who had supplied to them the said bottle.

It cannot be said that no offence is made out on the basis of what has been alleged in the First Information Report



against this petitioner, in view of the confessional statement made by co-accused persons.

It appears that the petitioner has criminal antecedent inasmuch as he is accused in Excise Case No. 20 of 2017 for the offences punishable under Section 30(a) of the Act.

There being bar under Section 76 (2) of the Act, this anticipatory bail application cannot be maintained and is, accordingly, dismissed.

However, considering the nature of allegation in the First Information Report, it is directed that if the petitioner surrenders before the Court below within four weeks from today and applies for regular bail, his application shall be considered without being prejudiced by the present order of dismissal.

**(Chakradhari Sharan Singh, J.)**

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