

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21451 of 2019**

Arising Out of PS. Case No.-381 Year-2018 Thana- GAURICHAK District- Patna

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TANIKAN PASWAN @ AJAY PASWAN Son of Balmiki Paswan Resident of
Village- Bibipur, P.S.- Gaurichak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Syed Ehteshamuddin

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 12-04-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a) and 37(c) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that from the paddy field, 5 litres country made liquor was recovered. The apprehended co-accused Kanhaiya Yadav disclosed the name of the petitioner.

It is submitted by learned counsel for the petitioner that the recovery has been made from the paddy field, hence the recovery cannot be treated from the conscious physical possession of the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the name of the petitioner sprang



up in the confessional statement of co-accused.

Considering the fact that the recovery is alleged to have been made from the paddy field which is an open area and the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Patna in connection with Gaurichak P.S. Case No.381 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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