

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28161 of 2019

Arising Out of PS. Case No.-128 Year-2019 Thana- ARA NAGAR District- Bhojpur

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1. AKASH PASWAN S/o Vishankar Paswan R/o village- Sri Tola, P.S.- Ara Nawada, District- Bhojpur
 2. Chandan Kumar S/o Vijay Yadav R/o village- Sri Tola, P.S.- Ara Nawada, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Opposite Party/s : Mr.Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

3 17-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Excise Case No. 436 of 2019 arising out of Ara Town P.S. Case No. 128 of 2019 for the offence punishable under Sections 30(A) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have not committed any offence. In fact, nothing has been recovered from the conscious possession of the petitioners and these petitioners have no concern with the alleged recovery. Hence, the petitioners may be granted the privilege of anticipatory bail.

Learned counsel for the State has vehemently opposed the prayer for bail and submitted that 84 liters of country made



(Mahua) wine has been recovered from the house of the petitioner No.2 which appears to be commercial in nature.

Considering the facts and circumstances of the case, let the, above named, petitioner No.1, Akash Paswan, in the event of surrender within a period of four weeks be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 4th Additional District Judge -cum- Special Judge, Excise Act, Bhojpur at Ara in connection with Ara Town P.S. Case No.128 of 2019 subject to the conditions laid down under Section 438(2) of the Cr.P.C.

So far as petitioner No.2 is concerned, considering the quantity recovered from the house of this petitioner, this Court is not inclined to grant the privilege of anticipatory bail to this petitioner. Accordingly, the prayer for grant of anticipatory bail of the petitioner No.2 is, hereby, rejected.

brajesh/-

(Arvind Srivastava, J)

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