

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.30616 of 2019**

Arising Out of PS. Case No.-81 Year-2019 Thana- SAMASTIPUR MUFFASIL District-  
Samastipur

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RAM DAYAL PASWAN Son of Ramashish Paswan Resident of Village -  
Malpur, P.S.- Khodabanpur, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Mukesh Kumar No1  
For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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

ORAL ORDER

2      09-05-2019                      Heard learned counsel for the parties.

This application for anticipatory bail arises out of  
Mufassil P.S. Case No. 81 of 2019, disclosing the offence  
punishable under Sections 30(a) and 37(c) of the Bihar  
Prohibition and Excise Act.

As per the case of the prosecution, from a Scorpio  
vehicle, the police are said to have recovered one 750 ml bottle,  
one third of which was filled with foreign liquor. There were  
three-four persons in the car, one of them was apprehended and  
others ran away.

Learned counsel for the petitioner appears to be  
correct in his submission that no offence under the provisions of  
the Excise Act is made out, in the absence of any allegation that



any prohibited item was allegedly in possession of this petitioner or he had consumed the alcohol.

Considering the facts and circumstances, this application is allowed. Let the petitioner, above named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each, to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise Act, Samastipur in connection with Mufassil P.S. Case No. 81 of 2019, subject to the condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

**(Chakradhari Sharan Singh, J)**

HR/-

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