

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36139 of 2019

Arising Out of PS. Case No.-53 Year-2019 Thana- BIRAUL District- Darbhanga

Shambhu Paswan Son of Raja Ram Paswan Resident of Village-Sonepur,
P.S.-Biraul, District-Darbhangha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 17-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is seeking anticipatory bail in connection with G.O. Case No. 244/19/Biraul P.S. Case No. 53/2019 registered under Sections 30(a) of the Bihar Excise Amendment Act, 2018 pending in the court of learned A.D.J. 2nd cum Special Judge, Excise Act, Darbhanga.

As per allegations when the police party raided the house of the petitioner, he fled away, but in course of search of the house half liter of illicit country made wine kept in a plastic bottle of two liters and further two sealed bottles of Royal Stag Premier Whisky were recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case because he had made complaint to the police against co-villager Bhulan Paswan who was allegedly running business of wine.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner. It is submitted that in view of the Hon'ble Full Bench Judgment of this court once some materials are there to connect the petitioner with the alleged offence, the anticipatory bail need not be entertained.

Having heard learned counsel for the petitioner and learned A.P.P. for the State, this court finds that there being seizure of illicit liquor from the house of the petitioner, his prayer for anticipatory bail cannot be allowed.

This application is dismissed.

In case, the petitioner surrenders and prays for regular bail before the court below within a period four weeks from today, his prayer for regular bail shall be considered on it's own merit and shall not be rejected only because this court has refused to grant anticipatory bail to the petitioner.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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