

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55779 of 2019

Arising Out of PS. Case No.-219 Year-2019 Thana- DARBHANGA SADAR District-
Darbhanga

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RANJAY PASWAN Son of Dukhi Paswan @ Dukni Paswan @ Golai Paswan
Resident of Village - Ramsalla, P.S.- Sadar, Distt - Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Karn

For the Opposite Party/s : Mr. R.B. Roy 'Raman'. APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 04-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Sadar P.S. Case No. 219 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per the First Information Report, police had received a secret information that the petitioner and others were engaged in sale of illicit country made liquor. Based on the said secret information, a raid was conducted, leading to recovery of 10 liters of country made liquor and materials and utensils for preparation of country made liquor.

Learned counsel appearing on behalf of the petitioner has submitted that bar under Section 76(2) of the Act will have no application, even if the allegation made in the First Information Report is treated to be correct, for the reason that



apparently there is no recovery from any place belonging to the petitioner. He has further submitted that the petitioner has been named merely on the basis of a secret information received from undisclosed source by the police, prior to conduct of raid.

Learned counsel appearing on behalf of the petitioner, in my opinion, is correct in his submission since only basis for implication of the petitioner is a secret information received by the police. This application is accordingly 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 bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge IInd-cum-Special Judge (Excise Act), Darbhanga, in Sadar P.S. Case No. 219 of 2019, subject to the conditions 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)

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