

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.64425 of 2019**

Arising Out of PS. Case No.-133 Year-2019 Thana- ATHMALGOLA District- Patna

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DAYA PASWAN @ DAYANAND PASWAN, aged about 56 years, Male, S/o  
Late Darshan Paswan, Resident of Village- Jamalpur ( Butti Bagi), P.S.-  
AthmalGola, District- Patna ... Petitioner

Versus

The State of Bihar ... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Gyanendra Kumar Singh, Adv.

For the Opposite Party : Mr. Humayou Ahmad Khan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

ORAL ORDER

2 24-10-2019 Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with  
Athmal Gola P.S. Case No. 133 of 2019 (Special Case No. 7034 of  
2019) registered under Section 30(a) of the Bihar Prohibition and  
Excise Act, 2016.

The accusation is that in course of patrolling duty, the  
informant, along with other police personnel, received information  
about keeping of the liquor in a sack by Mangru Kumar 200 meter  
ahead to the gumti of Manoj Kumar in village Karja. The informant,  
along with other police personnel, reached there. On seeing the  
police vehicle one person started to flee away while he was chased,  
but, succeeded in fleeing away. On query, the local people disclosed  
the name of the person, who fled away, as Manoj Kumar and on  
search from the field 29 bottles, each containing 200 ml country made  
liquor recovered. At that place, secret information was also received  
about storage of liquor by Daya Paswan (petitioner) in village  
Jamalpur Buddhi, then, the informant reached there. On seeing the



police personnel, one person succeeded to flee away. On search of the hut, 42 bottles, each containing 200 ml Indian made foreign liquor recovered.

Submission is that the hut from where 42 bottles are said to be recovered is belong to petitioner. Further, submission is that while it would appear from the first information report that informant and other police personnel made search in two villages, but, in two seizure list witnesses are same. Petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Athmal Gola P.S. Case No. 133 of 2019 (Special Case No. 7034 of 2019) shall be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise, Patna, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

**(Rajendra Kumar Mishra, J)**

Shamshad/-

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