

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2887 of 2020

Arising Out of PS. Case No.-139 Year-2019 Thana- DEO District- Aurangabad

Vijay Paswan S/o- Basant Paswan R/o Village- Chandpur, P.S.- Deo, District- Aurangabad.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

M/s Mukul Kumari, Adv.

For the Opposite Party/s : Mr. Gauri Shankar Gupta, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Deo P.S. Case No. 139 of 2019 registered for the offence
punishable under Section 30(a) (c) (d) of Bihar Prohibition of
Excise Act, 2018.

The alleged recovery of liquor was made from a bush
and on the spot one person disclosed the name of the
petitioner as well as brother of the petitioner.

Learned counsel appearing for the petitioner submits
that FIR does not constitute any offence of Excise Act against
the petitioner because the alleged recovery has not been made



from conscious possession of the petitioner or from the premises of the petitioner and moreover, the name of the petitioner was disclosed by a person who did not disclose his own name before the informant.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall 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 learned Additional Sessions Judge, VII cum Special Judge, Excise, Aurangabad in Deo P.S. Case No. 139 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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