

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10263 of 2020

Arising Out of PS. Case No.-224 Year-2017 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Amit Kumar Paswan, Son of Parmeshwar Paswan, Resident of
Village/Mohalla - Chunabhatti, Saidpur, Near Maszid, Laxmisagar, P.S.- Lalit
Narayan Mithila University, Darbhanga, Distt - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Prasad, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 10-06-2020 The matter has been listed today for consideration

through video conferencing in view of the nationwide lockdown

on account of COVID-19 pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in
connection with Lalit Narayan Mithila University, Darbhanga
P.S. Case No.224 of 2017 dated 22.09.2017/G.O. No.1554 of
2017 registered for the offence punishable under Sections 30(a)



and 47 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that the police personnel while on patrolling duty saw a car in a suspicious condition wherein two persons, namely, Madan Kumar Sah and Jay Prakash Kamat, were seated. 187.5 litres of *Nepali* liquor is alleged to have been recovered from the said vehicle. The two persons have allegedly told the police personnel that one Anil Jha had told them to supply liquor to the holder of Mobile No.8864039694. The said mobile number is said to be of the petitioner.

Learned counsel for the petitioner submits that the petitioner was neither there at the time of recovery nor any recovery has subsequently been made from the petitioner. Merely because his name has been stated by one of the arrested persons, the petitioner has been implicated in this case. It is further submitted that there is no criminal antecedent of the petitioner and that it is a case of false implication. The prosecution story disclosed in the F.I.R. does not disclose any case against the petitioner under the Bihar Prohibition and Excise Act.

Learned APP for the State has opposed the prayer for pre-arrest bail on the ground of the same being not maintainable



in view of the statutory bar on pre-arrest bail under the Bihar Prohibition and Excise Act.

Considering the rival submissions and the facts, this Court, in view of the parameters for considering pre-arrest bail laid down by a Full Bench of this Court in the case of ***Ram Vinay Yadav vs. State of Bihar***, reported in ***2019 PLJR(2) 1089(FB)***, is inclined to accept the submissions advanced by the petitioner's counsel for the limited purpose of grant of pre-arrest bail. The petitioner's prayer for anticipatory bail is allowed.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, 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 2nd Additional Sessions Judge-Cum-Special Judge (Excise), Darbhanga, in connection with Lalit Narayan Mithila University Darbhanga P.S. Case No.224 of 2017 dated 22.09.2017/G.O. No.1554 of 2017, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any



- change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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