

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.8877 of 2020

Arising Out of PS. Case No.-436 Year-2019 Thana- KHARHAGPUR District- Munger

JAGARNATH PASWAN Son of Bhaskar Paswan Resident of Village -
Shampur, P.S.- Shampur O.P. (Kharagpur), District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Kumar Sinha

For the Opposite Party/s : Mr.Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-02-2020 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Kharagpur (Shampur O.P.) P.S. Case No. 436 of 2019 for
the offence registered under Section 30(a) of the Bihar
Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 12 liters of
illicit liquor from a room situated at the back side of the house
of the petitioner.

The learned counsel for the petitioner has submitted
that the petitioner is innocent and is having a clean antecedent
and has been falsely implicated in the present case. It is further
submitted by referring to paragraph no. 9 of the present petition
that no recovery of illicit liquor has been made from the house
of the petitioner. It is further stated that no room is situated at
the back side of the house of the petitioner. It is also submitted
that since no recovery of illicit liquor has been made either from
the conscious possession of the petitioner or from the house of



the petitioner, the provisions of the Bihar Prohibition and Excise Act, 2016, qua the petitioner herein, are not attracted.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and upon a bare reading of the FIR, I find that *prima facie* no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016 qua the petitioner herein as far as the case of the petitioner for grant of anticipatory bail is concerned.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-3rd-cum-Special Judge (Excise), Munger in connection with Kharagpur (Shampur O.P.) P.S. Case No. 436 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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