

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24451 of 2020

Arising Out of PS. Case No.-705 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

MANOJ PASWAN S/O Late Bhikhari Paswan R/O Dighi Khurd, P.S. Hajipur
Sadar, Dist. Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar
For the Opposite Party/s : Mr. Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 05-10-2020 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor representing the State, through
Video Conferencing.

The petitioner apprehends his arrest in connection
with Hajipur Sadar Police Station Case No. 705 of 2019,
registered for the offences punishable under Sections 30 (a)/37
(c) of the Bihar Prohibition and Excise Act, 2016.

The allegation against the petitioner, as per the First
Information Report, is that the police, on the basis of secret
information that the petitioner, along with other co-accused
persons, were involved in the sale of illicit country-made liquor,
proceeded towards the place of occurrence and arrested one
Vijay Sah, along with 10 litres of illicit country-made Mahua
liquor. The name of the petitioner has been disclosed by the



arrested co-accused person.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case and he has also got no criminal antecedent. He further submits that no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioner and on the contrary, the same has been recovered from the possession of the co-accused Vijay Sah. He further submits that from perusal of the First Information Report and the seizure list, no *prima facie* case is made out under the provisions of the Excise Act against the petitioner.

After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that no illicit liquor has been recovered from the conscious possession or the premises belonging to the petitioner and the petitioner has got no criminal antecedent, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is allowed.

Accordingly, let the petitioner, above named, be released on bail, in the event of his arrest or surrender before the Court below within a period of six weeks from today, upon



furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Vaishali, at Hajipur, in connection with Hajipur Sadar Police Station Case No. 705 of 2019.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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