

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28941 of 2020

Arising Out of PS. Case No.-154 Year-2020 Thana- PATORI District- Samastipur

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BABLOO PASWAN S/o Dinu Paswan Resident of Village- Mirjapur
Dhamaun, P.S.- Shahpur Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha

For the Opposite Party/s : Mr. Sanjay Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 11-12-2020 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

This application, for grant of anticipatory bail, arises
out of Patori Police Station Case No. 154 of 2020, disclosing
offences under Sections 272/273 of the Indian Penal Code and
Section 30 (a) of the Bihar Prohibition and Excise Act, 2016
(hereinafter referred to as ‘the Act’).

The prosecution case, as per the First Information
Report, is that the police, in course of patrolling, saw a silver-
coloured Santro car standing on a road and on seeing the police,
the persons standing near the car, fled away and on search of the
car, the police recovered a total quantity of 54 litres of illicit
liquor from the said car and upon enquiry, the local people



informed that the liquor belong *prima facie* goes to the petitioner and one wine seller, Vikash Burnwal.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has been implicated in this case on the basis of the statement made by the local people. He, referring to paragraph 7 of this application, submits that the petitioner is not the owner of the car in question. He further *prima facie* submits that the petitioner has got no criminal antecedent and no illicit liquor has been recovered from the conscious possession of the petitioner or the vehicle belonging to him and from perusal of the First Information Report and seizure list, no *prima facie* case is made out against the petitioner under the provisions of the Act.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that the petitioner is not the owner of the car in question and no illicit liquor has been recovered either from the possession of the petitioner or the vehicle belonging to him, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within six 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 learned 2nd Additional Sessions Judge -cum- Special Judge, Excise, Samastipur, in connection with Patori Police Station Case No. 154 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

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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