

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28796 of 2020

Arising Out of PS. Case No.-120 Year-2019 Thana- KEWATI District- Darbhanga

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UMESH PASWAN @ UMESH KR PASWAN S/o Rajkishore Paswan
Resident of Village-Ramsala, P.S.-Keoti, District-Darbhangha.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Das

For the Opposite Party/s : Mr.Pradeep Narayan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-12-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Pradeep Narayan Kumar, the learned APP, appearing for the State.

The petitioner apprehends his arrest in connection with Keoti P.S. Case No. 120 of 2019, for the offence punishable under Section 30(a), 38(1) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 115 litres of illicit country made liquor by the police from the alleged place of occurrence, apart from recovering articles, gas cylinder etc.



used for preparing illicit country made liquor. It is also alleged that the petitioner and other accused persons had managed to flee away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is having a clean antecedent. It is submitted by the learned counsel for the petitioner that similarly situated accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 10.06.2020 passed in Cr. Misc. No. 8410 of 2029.

The learned APP appearing for the State has vehemently opposed the prayer for anticipatory bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the parity of the case of the petitioner with that of the co-accused person, who has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, apart from the fact that the petitioner is having a clean antecedent and no illicit liquor has been recovered from him, I am of the view that prima facie no case is made out under the provisions of the Bihar Prohibition



and Excise Act, 2016, hence the bar under section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment for the purposes of grant of anticipatory bail to the petitioner herein, thus, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner above-named, shall be enlarged on anticipatory bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge Excise, Darbhanga in connection with Keoti P.S. Case No. 120 of 2019, as well as G.O. Case No. 835 of 2019, subject to the conditions laid down under Section 438(2) of the Cr. P.C.

(Mohit Kumar Shah, J)

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