

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82127 of 2019**

Arising Out of PS. Case No.-77 Year-2019 Thana- TELHARA District- Nalanda

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ARUN PASWAN @ BINESHWAR PASWAN @ BINDESHWAR PRASAD
Son of Lakhan Paswan Resident of Village-Sadikpur, P.S.-Telhara, District-
Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

3 21-01-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

This is an application for grant of anticipatory bail in connection with Telhara P.S. Case No. 77 of 2019, registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation is regarding recovery of 251 liters of illicit liquor from the house of the petitioner.

The learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted that the house in question is in joint possession of the petitioner and his relatives, hence, the recovery of the illicit liquor cannot be



solely attributed to the petitioner herein.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the petitioner, this Court is of the view that prima facie, offences punishable under the provisions of the Bihar Prohibition and Excise Act, 2016 are made out, hence, the anticipatory bail petition is not maintainable, thus, the same is dismissed. However, the petitioner is granted liberty to surrender before the learned court below within a period of four weeks from today whereupon the learned court of Additional District & Sessions Judge III-cum-Special Judge (Excise), Nalanda at Biharsharif in connection with Telhara P.S. Case No. 77 of 2019 shall consider the regular bail petition of the petitioner herein and pass appropriate orders on the very same day, considering the fact that the illicit liquor has been recovered from a house stated to be in joint possession of the petitioner and his relatives.

With the aforesaid observations and directions, the present petition stands disposed of.

(Mohit Kumar Shah, J)

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