

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30669 of 2021

Arising Out of PS. Case No.-679 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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BINOD PASWAN, Son of Sitabai Paswan, Resident of Village- Chausima @
Chauksima, P.O.- Kharauna Dih, P.S.- Muzaffarpur Sadar, District-
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP.

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 22-10-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 341, 323,
504 of the Indian Penal Code and Section 30(a) of Bihar
Prohibition and Excise Act, 2016.

Informant who is a police officer has alleged in his
written complaint that on 02.12.2020 while he was on patrolling
duty along with police personnel, he received a secret
information at 5:00 P.M., that some persons are involved in
trade of illicit liquor and on receipt of said information, he
raided said place at 7:00 P.M., and on seeing police party
people assembled there started fleeing away, however, one

accused person was apprehended who disclosed his name as Akhilesh Thakur and named three persons who fled away as Rabindra Thakur, Amresh Kumar and Binod Paswan (petitioner) who are engaged in trade of illicit liquor. It is further alleged that from the gumtinuma shop illicit liquor was recovered and said gumti belongs to petitioner.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case and the alleged gumti does not belong to the petitioner and he is not involved in trade of illicit liquor. He was neither apprehended on the spot nor there is any recovery from his possession or his house of any illicit liquor, as such, provision of Excise Act is not applicable against him.

He has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Muzaffarpur Sadar P.S. Case No. 679 of 2020, subject to the condition as laid down

under Section 438(2).

(S. Kumar, J)

Rajiv/veena-

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