

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31334 of 2020

Arising Out of PS. Case No.-62 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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AMOD PASWAN Son of Shiv Shankar Paswan @ Shiv Shankar Resident of
Village - Panapur Langa, P.S.- Hajipur Sadar, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 08-01-2021 Heard learned Counsel for the petitioner and the learned
Counsel for the State.

Petitioner apprehends arrest in C2A Case No. 62 of 2017
registered under Sections 30(a) of Bihar Prohibition and Excise
Act, 2016.

Three liters of country made liquor is alleged to have been
recovered from the hutment allegedly owned by the petitioner.

Learned Counsel for the petitioner submits that the
hutment has no door or lock and therefore even if the allegation of
recovery from the same in his absence is accepted, the recovery
cannot be attributed to the petitioner. Admittedly he was not present
at the time of recovery. In fact the petitioner is a poor person and for
days together stays away from his hutment for earning his livelihood.
The manner in which the allegation has been made, no case
whatsoever would be made out under the provisions of Bihar
Prohibition and Excise Act.

Learned APP has opposed the prayer for pre-arrest bail on
the ground of the same being not maintainable in view of the
statutory bar on pre-arrest bail under the Bihar Prohibition and



Excise Act.

Considering the submissions and the facts, this Court, in view of the parameters for considering pre-arrest bail laid down in the case of *Ram Vinay Yadav vs. State of Bihar reported in 2019 PLJR (2) 1089 (FB)*, is inclined to accept the submission made by the petitioner's counsel for the limited purpose of grant of pre-arrest bail. The petitioner's prayer for anticipatory bail is allowed.

Accordingly, let the petitioner above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Excise Court, Vaishali at Hajipur in C2A Case No. 62 of 2017 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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