

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31901 of 2020

Arising Out of PS. Case No.-307 Year-2020 Thana- HARSIDHI District- East Champaran

Chhotelal Paswan @ Chhotelal Ram, aged about 43 years (M), son of Late Jungbahadur Hajara, resident of Village - Dhawahi, P.S. - Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Chandra Verma, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 09-03-2021

Heard Mr. Umesh Chandra Verma, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner apprehends arrest in connection with Harsidhi PS Case No.307 of 2020 dated 19.07.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

3. As per the allegation in the FIR, when the police on secret information that liquor belonging to the petitioner was being brought, ambushed the pickup van, the persons in the same fled away but from the same, 192 litres of spirit was recovered.



4. Learned counsel for the petitioner submitted that there is nothing to connect him to the recovered spirit and also no details as to who has taken the name of the petitioner or has informed the police that the recovered spirit belonged to him has been disclosed. Learned counsel submitted that he has been falsely implicated and that the petitioner has no criminal antecedent.

5. Learned APP submitted that there was specific input with the police that the illicit liquor of the petitioner was coming and they had laid a trap and there has been recovery. It was submitted that the name of the informer cannot be disclosed as it would put to risk such informer and this is the standard procedure where the police gets secret information which, in the present case, has also resulted in recovery. It was submitted that there is no reason why there would be false implication on the part of the police. Further, it was submitted that even the bar of Section 76(2) of the Act would apply since, as per the allegation in the FIR, offence is made out under the Act as it is alleged that the consignment belonged to the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.



7. Accordingly, the application stands dismissed.

8. However, in view of prayer made by learned counsel for the petitioner, it is observed that if the petitioner appears before the Court below and prays for bail within four weeks from today, the same shall be considered, on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	
T	

