

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32104 of 2020**

Arising Out of PS. Case No.-439 Year-2019 Thana- AURANGABAD TOWN District-
Aurangabad

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DHARMENDRA PASWAN, S/o Ramsawarup Gahlout Resident of Village-
Khaira, Manjhauli, P.S.-Madanpur, District-Aurangabad (Bihar).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Ataur Rahman, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 24-02-2021 As prayed for, let the learned counsel appearing for
the petitioner remove the defect(s), as pointed out by the
office vide its notes dated 26.11.2020, within four weeks of
starting of Court proceeding in physical mode.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Aurangabad Town P.S. Case No. 439 of 2019, for the
offences under Section 30(a) of the Bihar Prohibition and
Excise Act, pending in the court of the learned Additional
Sessions Judge-VII-cum-Special Judge (Excise), Aurangabad.

The accusation is that in course of checking of
vehicles, a white colour Pick-up van bearing registration No.
JH-10AL-4348 was stopped for checking, but driver of the said
vehicle succeeded to flee away after leaving the vehicle. On



search of vehicle, 33 cartons, each containing 48 bottles of 180 ML and one carton containing 44 bottles of 180 ML Indian made foreign liquor recovered. On search, passbook of State Bank of India and owner book of a vehicle bearing registration No. JH10AL-4348 in the name of Dharmendra Paswan (Petitioner) were recovered.

Learned counsel appearing on behalf of petitioner submits that petitioner was not apprehended on the spot and he has falsely been implicated in this case, mere on suspicion, due to recovery of alleged bank passbook and owner book of vehicle bearing registration No. JH10AL-4348.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, his prayer for grant of pre-arrest bail stands rejected. The petitioner is directed to surrender before the trial Court within four weeks and pray for regular bail, which shall be considered by the trial Court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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