

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3850 of 2021

Arising Out of PS. Case No.-385 Year-2020 Thana- SARAIYA District- Muzaffarpur

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OM PRAKASH PASWAN SON OF BHAGAT PASWAN RESIDENT OF
VILLAGE - BASANTPUR PATTI, POLICE STATION- SARAIYA, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 30-07-2021 Heard the learned counsel for the petitioner and

the learned APP for the State.

The petitioner seeks bail in anticipation of his

arrest in connection with Saraiya P.S. Case No. 385 of

2020 instituted for the offences under Sections 272 and

273 of the Indian Penal Code and Section 30 (a) of the

Bihar Prohibition and Excise Act.

It appears from the First Information Report that

from behind the house of the petitioner, 39 litres of liquor

was recovered.

Learned counsel for the petitioner has submitted



that but for the so called statement of the villagers whose names have not been disclosed in the F.I.R., there is no other evidence to connect the petitioner with the offence. The recovery of 39 litres of liquor from behind the house of the petitioner cannot be saddled on him as the recovery is from an open place.

The petitioner does not have criminal antecedents.

On the afore-noted grounds, it has been urged on behalf of the petitioner that no offence under the Excise Act can at all be said to have been made out against him.

For the reasons afore-stated, the petitioner, above named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur, in connection with Saraiya P.S. Case No. 385 of 2020,



subject to the condition laid down under Section 438 (2)
of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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