

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10226 of 2021

Arising Out of PS. Case No.-439 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

GIRDHARI PASWAN S/O LATE MUNESHWAR PASWAN R/O
VILLAGE-BAIDHNATHPUR, P.S.SAHEBGANJ, DISTRICT-
MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Anita Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-11-2021 Heard the learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with Sahebganj P.S. Case No. 439 of 2020 for the offence registered under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of two litres of illicit country made liquor from a thatched hut.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner by referring to paragraph no. 9 of the present petition submits that the petitioner is not having any concern with the hut in question and he has been falsely roped in the present case, hence no offence is made out under the



provisions of the Bihar Prohibition and Excise Act, 2016.

Per contra, Ms. Anita Kumari Singh the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, this Court finds that prima facie no offence is made out under the provisions of the Bihar Prohibition and Excise Act, 2016, inasmuch as the petitioner has categorically denied the ownership of the hut in question from where the illicit liquor has been recovered, thus the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 shall not be an impediment for the purposes of granting anticipatory bail to the petitioner herein, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Sahebganj P.S. Case No. 439 of 2020 subject



to the conditions as stipulated under Section 438(2) of the Code
of Criminal Procedure.

(Mohit Kumar Shah, J)

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