

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23070 of 2022**

Arising Out of PS. Case No.-197 Year-2021 Thana- HASPURA District- Aurangabad

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KANHAE PASWAN SON OF MALIK CHAND PASWAN R/O VILLAGE-
KOIEELWAN, TOLA DEVI BIGHA, P.S.- HASPURA, DISTRICT-
AURANGABAD (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Anil Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offence punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

Learned counsel for the petitioner submits that
petitioner has antecedent of one case.

Allegation is of recovery of two litres of liquor from a
bottle kept in the Dalan of the petitioner. Further, two litres of
liquor along with 400 litres soaked Jawa Mahua was recovered
from the hut made in the premises of Ajit Chaudhary.

Learned counsel for the petitioner submits that



petitioner was not arrested from the spot, as such, nothing was recovered from his conscious possession. It is further submitted that the *Dalan* is a place outside the house which is accessible to villagers at large, as such, it cannot be alleged that it was the petitioner who had kept the liquor, as no prudent man would use his own premises for keeping illegal article and thus creating evidence against himself.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Haspura P.S. Case No. 197 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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