

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10389 of 2021

Arising Out of PS. Case No.-414 Year-2020 Thana- GAYA KOTWALI District- Gaya

1. SUNIL KUMAR @ MALLU @ MALU PASWAN @ MALLU PASWAN
Son of Umesh Paswan @ Mauga Resident of Mohalla- Murli Hill Bairagi,
P.S.- Kotwali, Distt- Gaya.
2. Anil Paswan @ Motu @ Anil Pashwan Son of Umesh Paswan @ Mauga.
Resident of Mohalla- Murli Hill Bairagi, P.S.- Kotwali, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 21-02-2022 Heard Mr. Arvind Kumar Singh, learned advocate

for the petitioners and Mr. Pradeep Narain Kumar, learned

APP for the State.

Mr. Singh seeks permission to withdraw the

application with respect to petitioner no. 2 as the petition

with respect to him has become infructuous.

The application with respect to petitioner no. 2 is

dismissed as withdrawn.

The petitioner no. 1 seeks bail in anticipation of his

arrest in connection with Kotwali P. S. Case No. 414 of

2020, dated 01.11.2020, instituted for the offences under



Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Approximately 90 litres of locally brewed liquor is said to have been recovered from behind the house of one Teni Paswan. From the vacant land belonging to one Deepak Sao, 187.05 litres of country made liquor also has been recovered.

The petitioner has been identified by the villagers as one of the persons who ran away from the place of raid.

The learned advocate for the petitioner no. 1 has submitted that his implication in this case is based only on suspicion.

The offence under the Excise Act cannot at all be said to have been made out against the petitioner.

One of the co-accused persons of this case with similar allegation has been granted anticipatory bail by a Bench of this Court.

For the afore-mentioned reasons, the petitioner no. 1, 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 his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise, Gaya, in connection with Kotwali P. S. Case No. 414 of 2020, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

The application stands disposed off.

While saying so, this Court has also taken note of the fact that the petitioner has clean antecedents.

(Ashutosh Kumar, J)

skm/-

U		T	
---	--	---	--

