

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25862 of 2023

Arising Out of PS. Case No.-37 Year-2022 Thana- BELSAND District- Sitamarhi

1. RAM BABU PASWAN Son of Nagendra Paswan Resident of Village - Saraiya, Ward No.- 13, P.S.- Belsand, District - Sitamarhi 843316.
2. Poonam Devi Wife of Ram Babu Paswan Resident of Village - Saraiya, Ward No.- 13, P.S.- Belsand, District - Sitamarhi 843316.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subodh Kumar, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the
petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Belsand P.S. Case No.37 of 2022, registered for offences under Section 414 of the IPC and 30(a)(c) of the Bihar Prohibition & Excise (Amendment) Act, 2018

It is alleged that upon secret information having been received that illicit wine was being sold by the petitioner no.1, raid was conducted by the police, however, the petitioners succeeded in fleeing away, nonetheless, 25 litres of country



made liquor, alongwith utensils used for manufacturing the same were recovered from behind the house of the petitioner.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that since the illicit liquor has not been recovered from the conscious possession of the petitioner or from their house, they are not having any complicity in the matter, hence the provisions contained in Section 76(2) of the Bihar Prohibition & Excise Act, 2016, shall not be an impediment, for the purposes of grant of anticipatory bail to the petitioner herein.

Per contra, the learned APP 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



parties and taking into account the materials available on record as also considering the fact that the illicit liquor has not been either recovered from the possession of the petitioner or from their house, thus prima facie no case is made out under the provisions of the Bihar Prohibition & Excise Act, 2016, qua the petitioners herein, as far as consideration of the present bail petition is concerned, hence, Section 76(2) of the Bihar Prohibition & Excise Act, 2016, shall not be a bar, for the purposes of consideration of the present anticipatory bail petition, thus I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction



of learned Exclusive Special Excise Court-II,
Sitamarhi in connection with Belsand P.S. Case
No.37 of 2022, subject to the conditions as laid
down under Section 438(2) of the Code of Criminal
Procedure.

(Mohit Kumar Shah, J)

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