

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47242 of 2023

Arising Out of PS. Case No.-28 Year-2023 Thana- BARAHAT District- Banka

PREM PASWAN Son of Saryug Paswan Resident of village - Baniyachak,
P.S. - Barahat, Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-10-2023

1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Barahat PS Case No. 28 of 2023 dated 02.02.2023 registered under Section 30 (a) / 32 (2) of the Bihar Prohibition and Excise Act 2018.

3. As per the First Information Report the Police upon secret information that petitioner is carrying illicit liquor, arrived at the place of occurrence and it is alleged that upon seeing the Police party the petitioner fled away after leaving the motorcycle from where 05 liters of Mahua Desi liquor has been recovered.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case with oblique motive. The liquor in question has not been recovered in presence of the petitioner inasmuch as the same has been



recovered from a motorcycle which was standing in an abandoned condition outside the house of the petitioner and the petitioner was not aware about the illicit liquor having been kept in the motorcycle.

5. Regard being had to the submissions made by the parties, taking into consideration the fact that petitioner has been made accused on the basis of his being the owner of the vehicle and the liquor in question has not been recovered in his presence, as such, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Additional District & Sessions Judge – II, Banka in connection with Barahat P.S. Case No. 28 of 2023 subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

praful/-

(Anil Kumar Sinha, J)

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