

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40176 of 2023

Arising Out of PS. Case No.-388 Year-2022 Thana- DHANARUA District- Patna

1. Vikash Paswan, aged about 35 years, sex- male, Son of Kesu Paswan.
2. Meghnath Paswan @ Meghan Paswan aged about 34 years, sex- Male, Son of Kesu Paswan.
3. Mangal Paswan, aged about 38 years, sex- male, Son of Raudi Paswan
4. Kapil Paswan, aged about 36 years, sex- male, Son of Lalan Paswan

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-07-2023 Heard Mr. Jainendra Kumar Pushkar, learned counsel appearing on behalf of the petitioners and Mr. Sanjay Kumar Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Special Case No. 4091 of 2022 arising out of Dhanarua P.S. Case No. 388 of 2022 registered for the offence punishable under Sections 30(a), 30(c) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. As per the allegation made in the FIR, petitioners were found engaged in manufacturing of illicit liquor. 7 litres of country-made liquor along with two instrument for manufacturing of liquor was recovered from the place of



occurrence.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioners are innocent and have falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioners. Petitioners are not involved in any manner either manufacturing and sale of liquor. Petitioners have clean antecedent. On these grounds, petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR as well as quantity of liquor. Nothing has been recovered from the conscious possession of the petitioners and petitioners have no criminal antecedent. I am of the opinion that petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Act,



Patna, in connection with Special Case No. 4091 of 2022 arising out of Dhanarua P.S. Case No. 388 of 2022 dated 14.07.2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioners as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioners as what has been stated in paragraph no. 3, this order will loose its force automatically.

(Purnendu Singh, J)

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