

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41463 of 2023

Arising Out of PS. Case No.-861 Year-2022 Thana- DARBHANGA SADAR District-
Darbhanga

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1. PREM LAL PASWAN sonof Late Shatrughan Paswan Village- Ramsalla Ps- Sadar Dist- Darbhanga
 2. BABLU @ BABLU PASWAN son of Late Shyam Paswan Village- Ramsalla Ps- Sadar Dist- Darbhanga
 3. SUDHISH PASWAN @ SUJIT PASWAN son of Late Shyam Paswan Village- Ramsalla Ps- Sadar Dist- Darbhanga

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Sadar P.S. Case No. 861 of 2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Amendment Act, 2022. They have no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, while the informant got secret information that petitioners in the present case are manufacturing the banned liquor in isolated place near an orchard, she reached along with chowkidar and searched the



place of occurrence in torch light, but the accused persons fled away from there. It is alleged that from the spot, gas cylinder and five liters country made liquor were recovered.

4. Learned counsel for the petitioners submits that petitioners has been falsely implicated in this case. Learned counsel submits that nothing has been recovered from the conscious possession of the petitioners.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the submission that the recovery of illicit liquor has been made from an isolated place near an orchard which is not in conscious possession of the petitioners, the seizure list witnesses are the members of the reserve guard and that the petitioners have no criminal antecedent, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive special Judge-1st, (Excise Act), Darbhanga, in connection with Sadar P.S. Case No. 861 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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