

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45247 of 2023

Arising Out of PS. Case No.-257 Year-2023 Thana- SARAIYA District- Muzaffarpur

SANTOSH PASWAN S/O BANAI PASWAN R/O VILLAGE/MOHALLA-SOHAI, PS. VAISHALI, DIST. VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Advocate

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 04-08-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Saraiya PS case no. 257 of 2023, registered for the offences punishable under Section 30(a), 32(ii)(iii), 36, 41(i) of the Bihar Prohibition and Excise Act.
3. The allegation is regarding recovery of 1086 liters of illicit liquor from the premises of a ply mill belonging to the co-accused person namely Sanjay Rai and upon interrogation, it transpired that the petitioner and other co-accused persons are also having complicity in the alleged occurrence.
4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. The learned



counsel for the petitioner has further submitted that neither the illicit liquor has been recovered from the conscious possession of the petitioner nor the ply mill in question belongs to the petitioner, hence, the provisions of the Bihar Prohibition and Excise Act, 2016 are not attracted in the present case. Lastly, it is submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 20.07.2023, passed in Cr. Cr. Misc. no. 45519 of 2023.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. 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 petitioner is having a clean antecedent and similarly situated co-accused person has already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a



copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge, Excise Court no. II, Muzaffarpur in connection with Saraiya PS case no. 257 of 2023, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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