

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.47328 of 2023**

Arising Out of PS. Case No.-247 Year-2023 Thana- BIDUPUR District- Vaishali

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1. Akhilesh Paswan Son Of Anil Paswan Resident Of Village-Mile Paswan Tola (Bhairopur Dyodhi), P.S.-Bidupur, District-Vaishali
  2. Ravi Kumar Alias Ravi Kumar Paswan Son Of Vinod Paswan Resident Of Village-Mile Paswan Tola (Bhairopur Dyodhi), P.S.-Bidupur, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      11-08-2023                                      Heard Mr. Shivjee Singh, learned counsel appearing on behalf of the petitioners and Mr. Ajit Kumar, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Bidupur P.S. Case No. 247 of 2023 registered under Sections 147, 148, 149, 342, 323, 307, 332, 333, 337, 353, 338, 427, 504 and 506 of the Indian Penal Code; Section 27 of the Arms Act and Sections 30(a) and 45 of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per the allegation made in the F.I.R, 15 litres of country made liquor recovered from Banana Orchard at Paswan Tola, Mile Chowk.

4. Learned counsel appearing on behalf of the

petitioners submits that 14 named accused including the petitioner and nearly 150 unknown persons have been made accused. Learned counsel further submits that petitioners are not involved in either consuming the liquor or in trade of liquor. Learned counsel further submits that petitioners are innocent and they have falsely been implicated in the present case. Learned counsel further submits that petitioners have no criminal antecedent.

5. Learned APP appearing on behalf of the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the nature of allegation as well as the fact that quantity of liquor recovered being only 15 litres and total number of accused persons is nearly 150, I am of the opinion that the petitioners have made out a, *prima facie*, case to be released on anticipatory bail.

7. Court below is directed to release the petitioners on anticipatory bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Exclusive Special Excise Court No.1-cum-Addl Sessions

Judge, Vaishali, Hajipur in connection with Bidupur P.S. Case No. 247 of 2023, 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 petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

**(Purnendu Singh, J)**

Minu/-

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