

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52606 of 2023

Arising Out of PS. Case No.-789 Year-2022 Thana- BRAHMPUR District- Buxar

Anil Paswan @ Anil Kumar Paswan Son Of Hari Paswan Resident Of Village
- Bihta, P.S. - Tarari, Distt. - Bhojpur At Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Setu Prateek, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-08-2023 Heard Mr. Setu Prateek, learned counsel appearing
on behalf of the petitioner and Mr. Sunil Kumar Pandey, learned
APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Barhampur P.S. (K.B.) Case No. 789 of 2022 registered
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

3. As per the allegation made in the F.I.R., altogether
30 litres of country made liquor recovered from the car bearing
Registration No. UP85-T5204.

4. Learned counsel appearing on behalf of the
petitioner submits that petitioner's mobile was recovered from
the alleged car and petitioner is not involved in any manner in
consumption or trade of liquor. Learned counsel further submits



that petitioner is quite innocent and he has falsely been implicated in the present case. Learned counsel further submits that petitioner has clean antecedent.

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

6. Considering the nature of allegation made, the petitioner's mobile phone was recovered from the alleged car and petitioner has no concern with the alleged recovery of liquor, in view of the above matter I am of the opinion that petitioner has made out a, *prima facie*, case to be released on anticipatory bail.

7. Court below is directed to release the petitioner on anticipatory bail, in the event of his 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 Excise Special Court No. II, Buxar in connection with Barhampur P.S. (K.B.) Case No. 789 of 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 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)

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Minu/-

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