

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55619 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- MASHRAK District- Saran

RAVI PASWAN, Son Of Rajesh Paswan @ Rajesh Manjhi, Resident Of
Village- Ghoghia, Police Station- Mashrakh, Distt- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar, Adv.

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 13-09-2023 1. Heard learned counsel for the Petitioner and
learned APP for the State

2. Petitioner apprehends his arrest in connection with
Mashrakh P.S. Case No. 45 of 2023 dated 01.02.2023 registered
for the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

3. The main submissions advanced by petitioner's
counsel are that the instant matter relates to the recovery of 03
litres of country made liquor but as per the FIR, the alleged
liquor was recovered from the specific possession of the brother
of this petitioner who revealed the name of this petitioner as
being involved in the smuggling of the alleged liquor but the
said statement made by petitioner's brother comes in the
purview of confessional statement given before the police,



which has no evidentiary value and except the said statement, there is no material against the petitioner to show his involvement in the alleged offence of Excise Act. Further submissions are that the petitioner has fair and clean antecedent and in view of the circumstances mentioned in the FIR upon which the prosecution has placed reliance in respect of petitioner's involvement, the alleged offence of Excise Act do not prima-facie attracts against the petitioner, hence, his prayer for anticipatory bail is maintainable.

4. Learned APP appearing for the State has opposed the prayer for bail.

5. Considering the above submissions and mainly petitioner's fair and clean antecedent and also, the fact, that the alleged liquor was recovered from the specific possession of the brother of this petitioner and except the statement given by the petitioner's brother before the police, there is no material appearing against the petitioner from the FIR, in my opinion, in the said circumstances, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs.10,000/-(Ten



Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Mashrakh P.S. Case No. 45 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J.)

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