

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54501 of 2023

Arising Out of PS. Case No.-674 Year-2022 Thana- FATUA District- Patna

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Santosh Paswan Son Of Banai Paswan Resident Of Village-Suhai, P.S.-
Vaishali, District-Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandrasekhar Sharma, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 23-08-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 30(a), 32, 36 & 41 of Bihar Prohibition and Excise Act.

3. As per the prosecution case, the total 2358 liter of illicit foreign liquor has been recovered from a truck and 2 persons were arrested by the police.

4. Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He submits that nothing has been recovered from the possession of the petitioner, rather the truck from which the alleged recovered of illicit foreign liquor has been made, does not belong to the petitioner. Counsel submits that antecedent of the petitioner is

clean. He submits that petitioner has been named by the apprehended co-accused persons to whom the alleged liquor has to be delivered.

5. Learned APP for the State opposes the prayer for bail.

6. In the facts and circumstances and the submissions made above, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Fatuha P.S. Case No. 674 of 2022 to the satisfaction of learned Special Judge Excise, Patna City, Patna.

7. Accordingly, the prayer for anticipatory bail of the petitioner stands rejected.

8. However, the learned Court below shall consider the prayer for regular bail of the petitioner, if the petitioner surrenders within a period of six weeks.

9. The present order shall not cause any prejudice to the petitioner.

(Dr. Anshuman, J.)

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