

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62441 of 2023

Arising Out of PS. Case No.-51 Year-2023 Thana- SAHARGHAT District- Madhubani

Shambhu Paswan Son Of Buddhu Paswan Resident Of Vilalge- Utra, Ps
-SAHARGHAT, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Adv

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-10-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in
connection with Shaharghat P.S. Case No. 51 of 2023 registered
for the offence punishable under Sections 272, 273 and 34 of the
Indian Penal Code and Section 30(a) of Bihar Prohibition and
Excise Act.

3. The petitioner's implication is based on the
recovery of 27 litre illicit liquor from his house.

4. It is submitted by learned counsel for the petitioner
that his son was arrested with the liquor, which even if accepted,
to be recovered from his house was not in the petitioner's
knowledge. He is in fact a victim of the circumstance, having no
antecedents, and no case is made out against him.



5. The learned APP for the State has opposed the prayer for anticipatory bail, referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that pre-arrest bail would not be maintainable.

6. This Court is conscious of decision of the Full Bench in the case of *Ram Vinay Yadav vs. State of Bihar* reported in **2019 (2) PLJR 1089 (FB)**. Having regard to the law laid down in the said judgment and the submissions advanced on behalf of the petitioner, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submissions of learned counsel for the petitioner.

7. Petitioners' prayer for anticipatory bail is allowed.

8. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Shaharghat P.S. Case No. 51 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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