

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56837 of 2023

Arising Out of PS. Case No.-164 Year-2023 Thana- GHORASAHAN District- East
Champaran

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Rameshwar Paswan @ Jataila, aged about 30 years (M) Son of Dularchand
Paswan, Resident of Village- Paswan Toli Ward No 2, Ghorasahan, P.S-
Ghorasahan, District.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the State : Ms, Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 29-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection
with Ghorasahan P.S. Case No. 164 of 2023 dated 01.04.2023
instituted under Sections 30(a) of the Bihar Prohibition and
Excise Act.

3. The allegation is of recovery of 515.70 litres of
illicit liquor from a bush.

4. Learned counsel for the petitioner submits that the
petitioner was not apprehended from the spot as such nothing
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel submits that even
the alleged recovery is from a place which is accessible to
public at large and does not belong to the petitioner. The



petitioner has been made an accused without any cogent reason. Learned counsel further submits that similarly situated co-accused person, namely, Kishori Paswan has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 26.06.2023 in Cr. Misc. No. 38546 of 2023.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.-1, Motihari, East Champaran in Ghorasahan P.S. Case No. 164 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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