

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60345 of 2023

Arising Out of PS. Case No.-180 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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Rohit Paswan (Male), aged about 39 years, son of Adhik Lal Paswan, resident
of Naya Gharari, Bela Shankar, Police Station-L.N.M.U., District- Darbhanga
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
University PS Case No.180 of 2023 dated 13.06.2023, instituted
under Sections 341, 323, 353, 427, 504, 506/34 of the Indian
Penal Code and Section 37/45 of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that while the
informant was on patrolling duty, he came to know that some
incident has taken place at Punjabi Dhaba. The informant
reached there. A patrolling van of the University PS was moving
ahead the informant. When the informant reached to Bela Durga
Mandir, several persons blocked the road and created nuisance



as also abused. The informant tried to make the people understand but they did not agree and continued to create nuisance by pushing the police officials and abusing them. The accused persons also tore the cover of the vehicle and pelted stones. When another patrolling vehicle came, one person, Nand Kishore Paswan, was arrested and others fled away. The arrested person was found in drunken stage. He disclosed the name of the petitioners and others, who were creating nuisance.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on the basis of confession of Nand Kishore Paswan, who was in drunken state. He was arrested at the spot by the police, who disclosed the name of three persons including the petitioner. Learned counsel further submitted that no liquor has been recovered and the petitioner has not been found in drunken stage and, therefore, Section 37 and 45 of the Bihar Excise Act would not be applicable against the petitioners. Lastly, it has been submitted that the petitioner has clean antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered 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 Special Judge, Excise-II, Darbhanga, in University PS Case No.180 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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