

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60115 of 2023**

Arising Out of PS. Case No.-319 Year-2021 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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AMIT PASWAN SON OF ANJANI PASWAN, RESIDENT OF VILLAGE-
LAXMI SAGAR, PS- UNIVERSITY, DIST- DARBHANGA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Adv.

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-10-2023 Heard Girish Chandra Jha, learned counsel for the

petitioner and Mr. Kumar Ranjit Ranjan, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with University P.S. Case No. 319 of 2021, FIR
dated 08.10.2021, registered for the offences punishable under
Section 30 (a) of the Bihar Prohibition and Excise Act.

3. Recovery is of 630 litres of illicit liquor.

4. Learned counsel for the petitioner has submitted
that the petitioner has falsely been implicated in the present case
on the basis of disclosure made by the co-accused, namely,
Ramji Kamat. He further submits that the petitioner is not
named in the FIR and nothing has been recovered from his
possession, rather recovery has been made from a Maruti Van in



question, He next submits that the petitioner is not owner of the said vehicle and he has no concern at all from the alleged recovery or the vehicle in question. There is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr. P.C. No case, whatsoever, would be made out against the petitioner under the Bihar Prohibition and Excise Act.

5. Learned APP for the State has vehemently opposed the prayer for bail of the petitioner referring the provision contained in Section 76(2) of the Bihar Prohibition and Excise Act and submitted that the pre-arrest bail would not be maintainable. Further he fairly submits that the petitioner carries two more cases other than the present one, in which he is on bail.

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

7. Considering the fact that the petitioner has clean antecedent, nothing has been recovered from his



conscious possession and in both the cases, mentioned in paragraph 3 of this bail petition, he is on bail, let him, in the event of his arrest or surrender within a period of four weeks, 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 learned Special Judge Excise-II, Darbhanga in connection with University P.S. Case No. 319 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C and with further following conditions;

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of his bail bond.

(iii) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the



acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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