

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61149 of 2023**

Arising Out of PS. Case No.-248 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

=====

AMAR KUMAR PASWAN @ AMAR PASWAN S/O LATE DILIP
PASWAN RESIDENT OF VILLAGE BARAHGAMA, PS- KHANPUR,
DIST- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

=====

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 16-10-2023 Heard learned counsel for the petitioner and the learned

Additional Public Prosecutor (for brevity 'APP') for the State.

2. The petitioner is apprehending his arrest in connection with Samastipur Excise Case No. 248 of 2022 registered for the offence punishable under Sections 30 (a), (d) and (e) of the Bihar Prohibition and Excise Act, 2018.

3. Twelve (12) litres of spirit and twelve (12) litres of illicit liquor has been recovered from the hut of one 'Gurudeo Paswan'. The police had gone their on secret information.

4. Learned counsel for the petitioner submits that the petitioner was not present at the place of recovery and has been implicated on statement of 'Gurudeo Paswan', that also recorded in custody. There is no recovery from the petitioner or



his property. The petitioner has no criminal antecedents. The nature of implication, as per prosecution case, is clear indication of the fact that the no offence under the Bihar Prohibition and excise Act would be made out against the petitioner.

5. 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*. 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 counsel for the petitioner. Prayer for bail is allowed.

7. 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court-2, Samastipur, in



connection with Excise Case No. 248/2023, subject to the following conditions:

(i) That one of the bailors of each of the petitioner will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner concerned. The bailors 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 bonds will be liable to be cancelled.

(Madhuresh Prasad, J)

Raj kishore/-

U		T	
---	--	---	--

