

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65052 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- Excise P.S. District- Madhubani

JANAK PASWAN Son of Ramcharan Paswan Resident of Village-Rajkumar
Ganj Lalbagh, P.S.-Mithila University, District-Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha
For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 08-12-2023 Heard the learned Advocate for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Benipatti Excise P. S. Case No. 34 of 2023, dated 02.08.2023, corresponding to G.O. No. - 2661 of 2023, registered for the offences punishable under Section 30 (a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The petitioner is the registered owner of vehicle bearing Registration No. BR07PB-7693. It appears from the materials on record that the said vehicle was being driven on the fateful date by its Driver. The said vehicle was intercepted and 243 litres of Nepali liquor was recovered and seized by the police. Accordingly, F.I.R., namely, Benipatti Excise P. S. Case No. 34 of 2023 under Section 30 (a) of Bihar Prohibition and



Excise (Amendment) Act, 2018 was initiated.

4. However, the learned APP for the State has opposed the prayer for bail of the petitioner.

5. Since the petitioner was not in the vehicle and it was not recovered from the conscious possession of the petitioner, this Court is inclined to grant anticipatory bail in favour of him.

6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

7. The petitioner, above-named, is directed to be released on bail, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each, one of whom must be a local surety with landed property, to the satisfaction of the Ld. Additional Sessions Judge 2nd cum Special Judge, Excise Act, Madhubani, in connection with Benipatti Excise P. S. Case No. 34 of 2023, dated 02.08.2023, corresponding to G.O. No. - 2661 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. with further condition that he must comply the conditions, namely, he would not persuade or threaten the



witnesses and would be present in the court below during trial on all dates.

8. Failure on the part of the petitioner to comply with any of the above directions will entail the learned court below to cancel the bail without any further order.

(Bibek Chaudhuri, J)

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