

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71426 of 2023

Arising Out of PS. Case No.-349 Year-2023 Thana- Excise P.S. District- Samastipur

Rahul Kumar Son Of Subodh Paswan R/O Vill - Mannipur, P.S. - Warisnagar,
Distt. - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-11-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Excise Sadar P.S. Case No. 349 of 2023 registered for the offences punishable under Sections 30(a) and 45 of the Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, informant along with police team apprehended co-accused Subodh Paswan, Shankar Paswan and Sita Ram Paswan. It is alleged that 10 litres of fermented toddy from Subodh Paswan, 4 litres of fermented toddy from Shankar Paswan and 2.25 litres of fermented toddy from Sitaram Paswan has been recovered. It is further alleged that on exhortation of two persons, local people attacked on Excise Team and the petitioner was one amongst them who have



been alleged to have provoked the local people at the relevant time.

4. Learned counsel for the petitioner submits that petitioner was not present at the place of occurrence. He has been falsely implicated in the present case just because he is the son of co-accused, Subodh Paswan. It is further submitted that except suspicion, there is nothing on record to demonstrate the complicity of the petitioner in the alleged occurrence. Nothing has been recovered from his conscious possession. He further submits that recovery has been made from the co-accused persons who were apprehended at the place of occurrence. It is further submitted that the petitioner is quite innocent and has committed no offence as alleged in the FIR. Petitioner bears no criminal antecedent. In the light of the aforesaid facts and circumstances of the case, no case is made out against the petitioner under the provisions of Bihar Prohibition and Excise Act.

5. The 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, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into



consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-2, Samastipur in connection with Excise Sadar P.S. Case No. 349 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. This application stands allowed.

(Alok Kumar Pandey, J)

asmit/-

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

