

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70064 of 2023

Arising Out of PS. Case No.-47 Year-2023 Thana- BALUA BAZAR District- Supaul

1. DAYANAND PASWAN, aged about 25 years, Gender, Male, S/O SHIVAN PASWAN
2. SHIVAN PASWAN, aged about 49 years, Gender, Male, S/O MAHESHWAR PASWAN, Both are resident of VILLAGE- GONAHA, WARD NO. 07, PS. TRIVENIGANJ, DIST. SUPAUL, STATE-BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate
For the Opposite Party/s : Ms.Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-11-2023 Heard Mr. Kuldeep Kumar, learned counsel appearing on behalf of the petitioners and Ms. Veena Kumari Jaiswal, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Balua Bazar (Lalit Gram O.P) P.S. Case No. 47 of 2023 dated 06.06.2023 registered for the offence(s) punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per the allegation made in the FIR, 61.2 litres of saufi liquor was recovered from a motorcycle bearing Registration No.BR50N-2441 belonging to the petitioner no.2.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have



been falsely implicated in this case. It is further submitted that petitioner no.1 is son of petitioner no.2 and motorcycle is registered in the name of petitioner no.2, and the same was seized from the possession of accused apprehended person, Anil Paswan. Petitioners have clean antecedent.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Since the motorcycle belongs to petitioner no.2, an affidavit is required to be filed by petitioner no.2 that he will not involve in trade of liquor in future and the District Court is directed to call for a report from the District Transport Officer, Supaul with respect to the actual owner of the motorcycle.

7. Considering the nature of allegation as also the fact that recovery of illicit liquor was not made from the conscious possession of the petitioners, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

8. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. **2,000,00/- (Rupees Two lacs)** each with two sureties of the like amount each to the



satisfaction of learned Special Exclusive Excise Court No.2, Supaul in connection with Balua Bazar (Lalit Gram O.P) P.S. Case No. 47 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

Sanjay/-

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