

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71599 of 2022**

Arising Out of PS. Case No.-370 Year-2022 Thana- ROHTAS District- Rohtas

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PRAKASH PASWAN Son of Late Gorakh Paswan R/V- Nawadih, P. S and  
Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Md. Soban Asghar

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      09-02-2023              Heard the learned counsel for the petitioner  
and the learned APP for the State.

The petitioner seeks regular bail in connection with Rohtas P.S. Case No. 370 of 2022, registered for the offence punishable under Sections 30(a) and 37 of the Bihar Prohibition and Excise (Amendment) Act, 2016.

The allegation is regarding recovery of 12 liters of illicit liquor from the roof of the house of the petitioner as also the petitioner was arrested from the spot and when breath analyzer test was conducted, it was found that the petitioner had consumed liquor.



The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 11.9.2022. The learned counsel for the petitioner has further submitted that the petitioner is an accused in three other similar type of cases, but he is on bail in all the said three cases.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is having a bad antecedent, though I am not inclined to grant bail to the petitioner at the moment, however, I deem it fit and proper to direct for release of the petitioner on bail, immediately upon framing of charges by the learned trial court, subject to such conditions as may be deemed fit and proper to be imposed



by the learned court of Exclusive Special Excise Court No. 2-cum-Additional District & Sessions Judge, Rohtas at Sasaram in connection with Rohtas P.S.Case No. 370 of 2022.

The present petition stands disposed off with the aforesaid observations and directions.

**(Mohit Kumar Shah, J)**

Ajay/-

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