

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75523 of 2023

Arising Out of PS. Case No.-205 Year-2021 Thana- DAUDNAGAR District- Aurangabad

DILIP PASWAN, (M), aged about 29 years, SON OF KRISHNA PASWAN
RESIDENT OF PASWAN TOLE, WARD NO.9, DAUDNAGAR, P.S. -
DAUDNAGAR, DISTRICT - AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-11-2023 Heard Mr. Ashok Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Ajay Kumar Jha,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Daudnagar P.S. Case No. 205 of 2021 dated 13.04.2021
registered for the offence(s) punishable under Sections 30(a)/34
of the Bihar Prohibition and Excise Act

3. As per the allegation made in the FIR, 5.7 litres of
country made illicit liquor was recovered from the road-side.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has been
falsely implicated in this case. It is further submitted that no
incriminating article has been recovered from the conscious



possession of the petitioner, rather the illicit liquor has been recovered from the roadside, which is a public place. It is submitted that though the petitioner has two criminal antecedents but he is on bail in both the cases. Petitioner undertakes that he will not involve in criminal activities in future and to that effect, he is ready to file his personal affidavit along with two respectable persons of the village where he resides.

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

6. Considering the nature of allegation and also the facts that recovery of illicit liquor has not been made from the conscious possession of the petitioner and petitioner is also ready to give his undertaking that he will not involve in criminal activities in future by filing affidavit along with two respectable persons of the village where he resides, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty



Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.II, Aurangabad in connection with Daudnagar P.S. Case No. 205 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is 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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