

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34584 of 2024

Arising Out of PS. Case No.-72 Year-2024 Thana- DUMRAO District- Buxar

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Pintu Kumar @ Pintu Paswan, Son of Shivji Paswan, Resident of Safakhana
Road Dumraon, P.S.- Dumraon, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shankar Pathak, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-05-2024 Heard Mr. Ravi Shankar Pathak, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Dumraon P.S. Case No. 72 of 2024 registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act.

3. On getting secret information about the selling of
illicit wine by the petitioner, the police reached at the place of
occurrence. Noticing the police party, the petitioner succeeded
in fleeing away after throwing a bottle containing 2 lts. of
Mahua liquor, who was identified by the local people.

4. Learned counsel for the petitioner contended that
barring the disclosure made by the local people, there is no
material suggesting complicity of the petitioner in the present



crime. Moreover, the alleged recovery was made from a road, which is a public place, easily accessible to all. It is further contended that the name of the petitioner has been implicated on account of his past criminal antecedent, as earlier the petitioner was made accused in a criminal case which has been disposed of after awarding a fine of Rs.2,000/-, the particulars of which has been mentioned in para-3 to the bail application. It is next contended that there is no independent witness to the seizure list, apart from other infirmities in the search and seizure. Be that as it may, the petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a public road and the name of the petitioner was disclosed by the local people, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.1, Buxar



in connection with Dumraon P.S. Case No. 72 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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