

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43829 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- KURSAILA District- Katihar

Pinku Paswan Son of Ramotar Paswan, Resident of Village- Kursaila Basti,
P.S.- Kursela, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate.

For the Opposite Party/s : Mr. Ajay Kumar No.2, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 09-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Kursaila P.S. Case No.66 of 2024 instituted under Section
30(a) of the Bihar Prohibition & Excise (Amendment) Act.

3. As per the prosecution case, the petitioner
alongwith other co-accused persons are involved in the illicit
business of liquor. Total 165 litre of country made wine have
been recovered from the gallons left by the accused persons and
one co-accused Chaitu Singh was apprehended on spot and
other accused persons including the petitioner fled away.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. He further submits that the recovery has been made from
an open place which is accessible to the public at large. Learned



counsel submits that although the petitioner has two criminal antecedents but the same does not belongs to Excise Act. He further submits that other similarly situated co-accused namely Ranjan Kumar has been granted anticipatory bail by this Court vide order dated 19.07.2024 passed in Cr. Misc. No.52330 of 2024. Petitioner undertakes to cooperate in the investigation and trial of the case.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount to each to the satisfaction of the learned Additional District and Sessions Judge, Exclusive Excise Court No.2, Katihar in connection with Kursaila P.S. Case No.66 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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