

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50769 of 2024

Arising Out of PS. Case No.-117 Year-2024 Thana- BANMANKHI District- Purnia

Shankar Paswan Son of Late Maheshwari Paswan R/O Vill.- Banmankhi
Chakla, P.S.- Banmankhi, Dist.- Purnea

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand, Advocate
For the Opposite Party/s : Mr.Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Banmankhi P.S. Case No. 117 of 2024, registered on 23.03.2024 for the offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, recovery of 123.450 litres of foreign liquor was made from the under construction house of the petitioner.

4. Learned counsel for the petitioner submits that from the FIR itself it is apparent that the recovery has been made from a house under construction which is an open place accessible to all. It also appears from the FIR that no family



member of the petitioner was present there and seizure list has not been prepared in accordance with the provisions of law. Considering the fact that no recovery has been shown from the conscious possession of the petitioner who stays in Pune in connection with his work and further considering the recovery from open place, no offence under Excise Act is made out against the petitioner. The petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the doubtful nature of case against the petitioner and also considering the possibility of false accusation, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Court No. 1, Purnea/concerned court in connection with Banmankhi P.S. Case No. 117 of 2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :



- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

