

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51310 of 2024

Arising Out of PS. Case No.-672 Year-2021 Thana- FATUA District- Patna

1. Prakash Kumar @ Prakash Paswan, S/o Subodh Paswan, R/o Village- Prahaldchak, P.S- Fathuha, Distt.- Patna.
2. Subodh Paswan, S/o Kamal Paswan, R/O Village- Prahaldchak, P.S.- Fathuha, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 21-08-2024 Heard Mr. Manoj Kumar Pandey, learned counsel
appearing on behalf of the petitioners and Mr. Raj Ballabh
Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Fathua P.S. Case No. 672 of 2021 registered for the offence
punishable under Sections 30(a), 34 and 36 of the Bihar
Prohibition and Excise Act and Section 25(1-b) and 26 of the
Arms Act.

3. The allegation is of recovery of 20 liters of country
made liquor, as well as, one *desi katta* and two live cartridges
from *Nopulwa Alang*.

4. Learned counsel appearing on behalf of the



petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. They have no concern either with the seized liquor or trade of liquor in any manner. The alleged recovery has been made from an open place, which is easily accessible to anyone. The petitioner has been named in the present FIR on the basis of the information given by the *Chowkidar* of the village, who is in inimical terms with the petitioners. The petitioners have clean antecedent. On these grounds, petitioners seek to be released on bail.

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

6. Considering the nature of allegation made against the petitioners, as well as, the recovery of the liquor and arms along with two live cartridges, has been made from an open place, which is easily accessible to anyone, I find that the petitioners, above named, have *prima facie* made out a case to be released on bail, the petitioners are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City, District-Patna in



connection with Fathua P.S. Case No. 672 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The learned District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J.)

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