

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53292 of 2024

Arising Out of PS. Case No.-112 Year-2024 Thana- BELHAR District- Banka

Sudhir Paswan @ Sudhir Kumar Paswan, son of Bhukku Paswan R/V-
Chaura, P.S.- Belhar, Distt.- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Belhar P.S. Case No. 112 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2022. He has no criminal antecedent as stated in paragraph '3' of the application.

3. The allegation against the petitioner is to have in possession of 22 litres of illicit liquor and engaged in illegal trading/manufacturing of illicit liquor.

4. Learned counsel appearing on behalf of the petitioner submitted that the alleged illicit liquor was recovered from the cattle shed (Bathan/Basa), which is an open place



and accessible by general public, as such it can be said that illicit liquor was not made recovered from conscious physical possession of this petitioner, who is a man of clean antecedent. It is also submitted that seizure list witnesses are the police personnel.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid, as the recovery of illicit liquor not appears to be made *prima-facie* from conscious physical possession of the petitioner, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-cum-Special Judge, Excise Court-I, Banka in connection with Belhar P.S. Case No. 112 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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