

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59633 of 2024

Arising Out of PS. Case No.-169 Year-2024 Thana- Excise P.S. District- Aurangabad

Gariban Paswan son of Ganesh Paswan R/O Village-Pakaria, P.S- Ayarkotha,
District-Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mukul Kumari, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 11-09-2024 Heard Ms. Mukul Kumari, learned counsel
appearing on behalf of the petitioner and Mr. Pradeep Narain
Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with G.R. No. 733 of 2024 arising out of Daudnagar Excise P.S.
Case No. 169 of 2024 registered for the offence punishable
under Sections 30(a) and 32(3) of the Bihar Prohibition of
Excise Amendment Act, 2018.

3. As per the allegation made in the F.I.R., 20 litres of
country made liquor was recovered from a motorcycle bearing
Registration No. BR 24AH 1913.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and he has
committed no offence as alleged. The petitioner has given his



motorcycle bearing Registration No. BR 24AH 1913 to co-accused Ranjan Paswan who has been arrested with illicit liquor and he had no knowledge that the co-accused will use his motorcycle for the said purpose. Petitioner admits that he is the owner of the motorcycle. He has clean antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and admits that there is total failure of prohibition in the State of Bihar.

6. Having considered the rival submissions made on behalf of the parties, I direct the learned District Court to call for a report from the District Transport Officer, Rohtas at Sasaram and if it is found that the said motorcycle is registered in the name of the petitioner and is not a stolen one, then in that case, the petitioner, above named, be released on pre-arrest bail, in the event of his arrest or surrender before the 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-II, Aurangabad in connection with G.R. No. 733 of 2024, arising out of Daudnagar Excise P.S. Case No. 169 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



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

8. The bail application stands disposed of.

(Purnendu Singh, J)

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