

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58850 of 2024

Arising Out of PS. Case No.-225 Year-2020 Thana- OBRA District- Aurangabad

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1. BIJAY PASWAN S/O JAYRAM PASWAN RESIDENT OF VILLAGE MAHADEVA, POST- TEJPURA, PS- OBRA, DISTRICT- AURANGABAD
 2. BRIJLAL PASWAN S/O NAGESHWAR PASWAN RESIDENT OF VILLAGE MAHADEVA, POST- TEJPURA, PS- OBRA, DISTRICT- AURANGABAD
 3. LALAN PASWAN S/O BIRAN PASWAN RESIDENT OF VILLAGE MAHADEVA, POST- TEJPURA, PS- OBRA, DISTRICT- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Kumar Singh
For the Opposite Party/s : Mr.Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 211-09-2024
1. Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.
 2. This application for grant of anticipatory bail arises out of Obra Police Station Case No. 225 of 2020, dated 17.05.2024, disclosing offence under Sections 30(a)/30(c) of the Bihar Prohibition and Excise Act, 2016.
 3. The prosecution case, as per the First Information Report, is that the police, on secret information that the petitioners are indulged in the manufacturing and sale of illicit liquor, reached the place of occurrence and on seeing the



police, two persons succeeded in fleeing away and the Chowkidar disclosed their names as Vijay Paswan (petitioner no. 1) and Lalan Paswan (petitioner no. 3). On search, the police recovered 20 litres of illicit country-made liquor kept in two plastic gallons in the ditch. It has further been alleged that when the police searched 500 meters away from the first place of occurrence, the police recovered 12 litres of illicit country-made liquor kept in a hut and the Chowkidar disclosed that the hut belongs to the petitioner no. 2.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case on the basis of disclosure of their names by the Chowkidar. He further submits that the place from where illicit liquor was recovered, is an open space accessible to all and sundry. Referring to paragraph 6 of this application, he further submits that the land, in question, does not belong to the petitioners.
5. Regards being had to the submission advanced on behalf of the parties concerned and taking into consideration the fact that land, in question, does not belong to the petitioners and the illicit liquor has been recovered from



an open space, which is accessible to all and sundry, I am inclined to grant the petitioners privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-II, Aurangabad, in connection with Obra Police Station Case No. 225 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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