

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79939 of 2024

Arising Out of PS. Case No.-960 Year-2023 Thana- DEHRI TOWN District- Rohtas

Daroga Paswan S/o- Bharat Paswan village- Mathuri Tola, PS- Dehri (Town),
Dist-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-12-2024 Heard Mr. Dhaneshwar Prasad Gupta, learned
counsel appearing on behalf of the petitioner and Mr. Nand
Kumar, learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Dehri (Town)/ Dehri Nagar P.S. Case No. 960 of 2023
registered under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. Allegation is of recovery of 54.5 litres country
made wine from an open place.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and has falsely
been implicated in the present case. Nothing has been recovered
from the conscious possession of the petitioner. Petitioner has
no concern with the alleged seized liquor and the open place



from which 54.5 litres of country made liquor was recovered. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. On these grounds, petitioner seeks to be released on pre-arrest bail.

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

6. Considering the nature of allegation made in the FIR against the petitioner, as well as, the fact that petitioner has no concern with the open place from which 54.5 litres of country made liquor was recovered. Petitioner is not involved either in manufacturing or in trade of illicit liquor, which is prohibited in the State of Bihar. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his 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) with two sureties of the like amount each, to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram in connection with Dehri (Town)/ Dehri Nagar P.S. Case No. 960 of 2023, subject to the condition



as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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