

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1067 of 2024

Arising Out of PS. Case No.-173 Year-2023 Thana- TARARI District- Bhojpur

Prakash Paswan, Male, aged about 42 years, Son of Jawahar Ram @ Jawahar Paswan @ Jawahir Paswan, Resident Of Village- Tarari, Police Station - Tarari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-01-2024 Heard Mr. Shashank Shekhar, learned counsel appearing on behalf of the petitioner and Mr. Akbar Ali, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Tarari P.S. Case No. 173 of 2023 dated 08.10.2023 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act as amended up-to-date.

3. Allegation is of recovery of 25 litres of *Mahuaa* liquor from the backyard of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in the case due to local village politics. Nothing was recovered from the conscious possession of the petitioner. He has no



concern either with the seized liquor or trade of liquor in any manner. The place of recovery is an open place which is accessible to anyone. The petitioner has one criminal antecedent in Complaint Case No. 1107c of 2020 registered under Section 498A of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner and submits that due to sale and consumption of illicit liquor, day after day, hooch tragedy occurs and the State Officials of different department appears to have facilitated smuggling and trade of illicit liquor inside the State of Bihar. As such, involvement of the petitioner cannot be ruled out from illicit trade of liquor.

6. Considering the fact that the recovery of 25 litres of *Mahuaa* liquor is from the backyard of the petitioner, which is an open place and easily accessible to any one, the petitioner, above named, is directed to 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. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive



Special Judge Excise, Excise Court No. II, Bhojpur, Ara, in connection with Tarari P.S. Case No. 173 of 2023 dated 08.10.2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

7. The Court below 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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