

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83635 of 2024

Arising Out of PS. Case No.-453 Year-2024 Thana- DINARA District- Rohtas

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1. Raj Nath Paswan Son of Lala Paswan Village- Bichali Bhelari PS- Dinara Dist- Rohtas
 2. Bhaiya Ram Paswan @ Bhaiya Ram Kumar son of Late Inarma Paswan village- Bhichali bhelari, Ps- Dinara, Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad
For the Opposite Party/s : Ms.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 17-12-2024 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 Dinara Police Station Case No. 453 of 2024, dted 04.11.2024, disclosing offence under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.
3. The prosecution case, as per the First Information Report, is that the house of the petitioner no. 1 was raided by the police and the police recovered 202.6 litres of illicit liquor from the said house of the petitioner no. 1. It has been alleged that the petitioners used to sell illicit liquor and the petitioner no. 2 brought illicit liquor from out of the



State of Bihar and kept the same in the house of the petitioner no. 1.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as the house, in question, is a joint property and the petitioner no. 1 reside in the said house along with his other family members. He further submits that the petitioner no. 2 has no concern either with the house, in question, or the illicit liquor recovered from the said house.
5. After having heard learned Counsel for the parties concerned and taking into consideration the fact that from perusal of the First Information Report and the seizure list, it is apparent that the illicit liquor has been recovered from the house of the petitioner no. 1. Accordingly, on perusal of the First Information Report and the seizure list, a *prima facie* case is made out against the petitioner no. 1 and in view of the Full Bench decision of this Court, in **Criminal Appeal (S.J.) No. 431 of 2019 (Ram Vinay Yadav v. The State of Bihar)**, I am not inclined to exercise my discretion for grant of anticipatory bail to the petitioner no. 1.



6. This application, with respect to petitioner no. 1, is dismissed.
7. So far as petitioner no. 2 is concerned, since his name transpired on the basis of disclosure made by local villagers and chowkidar, I am inclined to grant the petitioner no. 2 privilege of anticipatory bail.
8. This application, so far as it relates to petitioner no. 2, is, accordingly, allowed.
9. Let the petitioner no. 2, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail 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 Excise Court No. 1, Rohtas, at Sasaram, in connection with Dinara Police Station Case No. 453 of 2024, 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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