

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1577 of 2024

Arising Out of PS. Case No.-221 Year-2023 Thana- TARIYANI CHOWK District- Sheohar

1. Lalan Paswan, aged about 22 years, Male, Son Of Pashuram Paswan
2. Dharmendra Paswan, aged about 21 years, Male, Son Of Naresh Paswan
Both resident Of Village- Maulaganj (Kamrauli Jangali), P.S.- Tariyani,
District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravi Bhushan Bharat, Advocate Mr. Bivutosh Kumar, Advocate
For the Opposite Party/s	:	Mr. Mritunjay Kumar Nirala, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-01-2024 Heard Mr. Ravi Bhushan Bharat, learned counsel

appearing on behalf of the petitioners and Mr. Mritunjay Kumar

Nirala, learned APP for the State.

2. At the outset, learned counsel appearing on behalf
of the petitioners informs that petitioner no. 2, namely,
Dharmendra Paswan has been arrested during the pendency of
the present bail application and seeks to withdraw the present
bail application on behalf of petitioner no. 2.

3. Accordingly, the present bail application is
dismissed as withdrawn on behalf of petitioner no. 2, namely,
Dharmendra Paswan.

4. The petitioner no. 1 seeks pre-arrest bail in



connection with Tariyani P.S. Case No. 221 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act as amended up-to-date.

5. Allegation is of recovery of 17 liter 400 ml Nepali saufi wine from a paddy field contained in blue colour bag.

6. Learned counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in the case due to local village politics. He has no concern either with the seized liquor or trade of liquor in any manner. Nothing has been recovered from the conscious possession of the petitioner. The place of recovery is an open place which is accessible to anyone. The petitioner has clean antecedent.

7. 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.

8. Considering the fact that the recovery of 17 liter 400 ml Nepali saufi liquor is from an open place which is



accessible to any one and the petitioner has clean antecedent, the petitioner no. 1, namely, Lalan Paswan, 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise, Sheohar, in connection with Tariyani P.S. Case No. 221 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The court below is directed to verify the criminal antecedent of the petitioner no. 1 and if it is found that the petitioner no. 1 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.

(Purnendu Singh, J)

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