

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86210 of 2023

Arising Out of PS. Case No.-263 Year-2023 Thana- KHANPURA District- Samastipur

Amar Kumar Paswan @ Amar Paswan, S/O Late Dilip Paswan, R/O Village-
Barahgama, P.S- Khanpur, Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Khanpur P.S. Case No. 263 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act. He has got one criminal antecedent in which he is said to be on bail.

3. As per the prosecution story, on 02.10.2023 the informant along with other police personnel raided the house of the petitioner at about 04:30 A.M. and on seeing the police party, one person fled away who was identified as Amar Paswan (this petitioner) by the local people. On search, total three liters of country-made mahua wine was recovered from the hut of the petitioner.

4. Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner has no concern with the allegedly recovered illicit liquor.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the specific allegation that there is a recovery of country-made Mahua wine from the hut of the petitioner in presence of two independent witnesses, this Court is of the opinion that the petitioner does not deserve privilege of anticipatory bail, however, in case the petitioner surrenders and prays for regular bail within a period of four weeks from today in the learned court below, his prayer for regular bail shall be considered by the learned court below immediately and without being prejudice by the order of this Court.

7. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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