

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7629 of 2024

Arising Out of PS. Case No.-538 Year-2023 Thana- SAHPUR District- Bhojpur

Mantosh Paswan SON OF Late Chaturi Paswan R/o Village - Damodarpur,
PS - Shahpur (Bahoranpur), District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-02-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Shahpur (Bahoranpur) P.S. Case No.538/2023 registered
for the offence punishable under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of four cases and allegation is of
recovery of 40 litres of liquor from the hut in open field of the
petitioner. It is next submitted that petitioner was not arrested
from the spot as such nothing was recovered from his conscious
possession. It is further submitted that alleged recovery is from
a place which is accessible to public at large and no prudent
person would use his own place for committing an occurrence



and thus would create evidence against himself. It is further submitted that the petitioner came to be implicated at the instance of chowkidar with whom he is on an inimical terms. It is further submitted that if the chowkidar was aware that the petitioner had kept the liquor in the hut, which was constructed on the field then why he did not inform the police earlier, which casts an aspersion on the case of prosecution.

4. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise, Excise Court No.2, Bhojpur at Ara in connection with Shahpur (Bahoranpur) P.S. Case No.538/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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