

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.931 of 2024

Arising Out of PS. Case No.-97 Year-2023 Thana- UPHARA District- Aurangabad

Shiv Kumar Paswan Son of Late Kedar Paswan Resident of Village- Budhai
Khurd, P.S.- Uphara, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Singh, Advocate.

For the Opposite Party/s : Mrs.Rita Verma, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 24-01-2024 Heard Mr. Birendra Singh, learned counsel appearing
on behalf of the petitioner and Mrs. Rita Verma, learned APP for
the State.

2. The petitioner seeks pre-arrest bail in connection
with Uphara P.S. Case No. 97 of 2023 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. Allegation is of recovery of 2.5 litres of Mahua
wine from a plastic bag lying in the hut.

4. Learned counsel appearing on behalf of the
petitioner submits that the petitioner has been falsely implicated
in the case. 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 clean antecedent.

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 Officers 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 nature of allegation against the petitioner, 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Aurangabad in connection with Uphara P.S. Case No. 97 of 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 and if it is found that the petitioner



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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