

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2016 of 2025

Arising Out of PS. Case No.-137 Year-2024 Thana- ASHOK PAPER MILL District-
Darbhanga

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Arjun Ram S/o Janak Ram Resident of Village- Chankediya, Police Station-
Ashok Paper Mill, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 05-02-2025 1. Heard Mr. Nilendu Kumar Choudhary, learned
counsel for the petitioner and Mr. Ramesh Chandra, learned
APP for the State.
2. The petitioner apprehends his arrest in connection
with Ashok Paper Mill P.S. Case No. 137 of 2024 dated
20.09.2024 registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Act.
3. The main submissions advanced by the petitioner's
counsel are that as per the FIR the recovery of the alleged liquor
is said to have been made at 7:30 P.M., and admittedly the
police could not identify the accused who fled away on seeing
the police party after throwing a white plastic bag containing
the alleged liquor and admittedly at that time there was darkness



and thereafter the police recovered and seized five liters of country made liquor kept in the alleged sack and started inquiring from the assembled persons and only then the name of this petitioner came into light on the basis of disclosure made by the assembled persons, which cannot be deemed to be a sufficient ground to make one an accused, particularly, those who have fair and clean antecedent, if such practice is used then police may misuse the provisions of Excise Act. It is further submitted that the petitioner has fair and clean antecedent and in view of the above circumstances appearing from the FIR the alleged offence of the Excise Act under which the FIR has been registered does not even prima facie attract against this petitioner, so, the petitioner's prayer is not hit by the provision of Section 76(2) of Bihar Prohibition and Excise Act.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions advanced by petitioner's counsel, this court is inclined to grant the relief of anticipatory bail to the petitioner. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Ashok Paper



Mill P.S. Case No. 137 of 2024 on furnishing bail bond of Rs. 20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023.

(Shailendra Singh, J)

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