

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85153 of 2024

Arising Out of PS. Case No.-684 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Dharamdev Paswan @ Dharamdeo Paswan @ Dharmdev Prasad Paswan Son
of Raghunath Paswan Resident of Village - Kathari, P.S. - Madanpur, District-
Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shyamal Krishna Sinha, Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 08-01-2025 1. Heard learned Counsel for the petitioner and
learned APP for the State.
2. This application, for grant of anticipatory bail,
arises out of Excise PS case no. 684 of 2019, disclosing offences
punishable under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.
3. The prosecution story, as per the prosecution
report, is that on 20.10.2019 in the morning at about 11.30 am,
the excise officials intercepted one three-wheeler Piaggio Auto
near the Dobhi Checkpost and recovered 76 liters of illicit
countrymade wine and arrested the driver of the vehicle bearing
registration no. BR 26PA-1746. The petitioner has been made
accused on the basis of him being the registered owner of the



vehicle in question.

4. Learned Counsel for the petitioner submits that petitioner has been made accused merely on the basis of the fact that he happens to be the owner of the vehicle in question. The tempo in question is a commercial vehicle and was being plied on hire basis by the driver and the petitioner was not aware about the illicit liquor being carried in his vehicle. He further submits that petitioner was not present at the time of search and seizure of the vehicle in question. He also submits that the petitioner came to know about the present case after submission of charge-sheet.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that petitioner is having no criminal antecedent and the vehicle in question was commercial vehicle being plied by driver on hire basis who was arrested on the spot, I am inclined to grant the privilege of anticipatory bail to the petitioner.

6. This application is, accordingly, allowed.

7. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Excise Judge-3, Gaya in connection with Excise PS case no. 684 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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