

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2573 of 2025

Arising Out of PS. Case No.-117 Year-2024 Thana- BANMANKHI District- Purnia

Prabhakar Arya @ Manoj Paswan @ Manoj Nepal @ Manoj Nepali son of
Ganga Paswan Resident of Banmankhi Chakala tola, ward no 5, PS
-Banmankhi, District -Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-02-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Banmankhi P.S. Case No. 117 of 2024 registered for the alleged offences under Section 30(a) of the Bihar Prohibition & Excise Act.

3. As per prosecution case, police received secret information about co-accused persons bringing foreign liquor and selling it. Raid was conducted on the houses of Shankar Paswan, Munna Paswan and Laddu Paswan and from the house of Shankar Paswan, recovery of 123.450 litres of foreign liquor was made. From the house of Munna Paswan, recovery of 15.58 litres of foreign liquor was made. Further, recovery was made from a person riding a motorcycle. The name of the petitioner



transpired during investigation for also being involved in the illicit trade of foreign liquor.

4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent has been falsely implicated in this case. The name of the petitioner transpired in the confessional statement of Munna Paswan from whom recovery of 15.58 litres of foreign liquor was made. Except of this confessional statement, there is no material to connect the petitioner with the offence as alleged. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. Petitioner has no concern with the seized liquor. Petitioner is having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioner and also considering the clean antecedent of the petitioner as well as possibility of false implication, let the petitioner named above, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail,



on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-I, Purnea/ court concerned in connection with Banmankhi P.S. Case No. 117 of 2024, subject to the condition laid down under section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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