

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5419 of 2017

Arising Out of PS.Case No. -359 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
SITAMARHI

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Mishrilal Paswan son of Bachu Paswan, resident of Village- Riga, P.S.
Riga, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar.
2. Union of India through Asst. Commandant, 20Bn, SSB, Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Ashhar Mustafa

For the Opposite Parties : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 07-02-2017 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 05.11.2016 in connection with Complaint Case No. C2/359 of 2016 for the offences alleged under Section 30K of Bihar Excise Amendment Act, 2016.

3. It is submitted that the petitioner has been falsely implicated and has been arrested in clear violation of the provisions of Section 41(b) of the Cr. P.C. which mandates that a memorandum of arrest has to be prepared. In the instant case, the petitioner has been informed on his application that no arrest memo has been filed in the learned Court below. In any event, it is further submitted that even according to the seizure memo, 72 litres of wine are alleged to have been recovered from the joint possession of the petitioner and co-accused Paswan Kumar, in respect of which petitioner has already suffered custody of over three months. The petitioner claims clean antecedents.

4. Having regard to the entirety of the facts and circumstances of the case, let the petitioner above named be



released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi, in connection with Complaint Case No. C2-359 of 2016, on the following conditions:-

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Md. Ibrarul/BT

(Vikash Jain, J)

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