

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50017 of 2017

Arising Out of PS. Case No.-142 Year-2017 Thana- Gopalpur District- Patna

Uddesh Paswan S/o Late Awadhesh Paswan, resident of Village-Tola _Sona
Gopalpur, P.S. Gopalpur, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ Manu, Adv.
For the Opposite Party/s : Mr. None.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 10-11-2017 Heard Sri Sanjay Kumar @ Mannu, learned counsel for
the petitioner. None appeared on behalf of the State.

The sole petitioner, apprehending his arrest in Gopalpur
P.S. Case no.142 of 2017 registered for the offence under
Sections 341, 323, 504, 506, 354(B)/34 of the Indian Penal
Code and Section 37(c) of the Bihar Excise Act,2016, has
prayed for grant of bail, in the event of his arrest or surrender.

It was submitted by learned counsel for the petitioner
that of course in the F.I.R., all offences of the Indian Penal
Code, save and except Section 354(B) of the Indian Penal Code,
are bailable. So far as Section 354(B) of the Indian Penal Code
is concerned, by way of referring to the F.I.R., he submits that
no such offence is made out. However, it was alleged that one of
the co-accused was handed over by the informant side to the
police and he was in drunken condition. He submits that there is



no material against the petitioner as to whether he had consumed wine or not and, as such, offence under the provisions of Bihar Prohibition and Excise Act, 2016 is not applicable. By way of referring to the statement made in paragraph-3 of the petition, it has been argued that the petitioner is having clean antecedent.

I have perused the material available on record as well as the F.I.R. On perusal of the F.I.R, it is evident that the petitioner was not apprehended in drunken condition and only he has been made accused as one of the participant.

Considering the nature of accusation as well as clean antecedent, let the petitioner, namely, Uddesh Paswan, in the event of his arrest or surrender within a period of six weeks from today, 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 Special Judge, Excise, Patna in connection with Gopalpur P.S. Case No.142 of 2017, subject to conditions as laid down in Section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

nawalkrs/-

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