

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51122 of 2017

Arising Out of PS.Case No. -146 Year- 2017 Thana -SASARAM MUFFSIL District- SASARAM
(ROHTAS)

=====

1. Bipin Bihari Paswan @ Bipin Paswan S/o Jagnarayan Paswan @
Jagnarayan Ram R/o Mishripur, P.S. Sasaram (M), Distt Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Nandan Sahay

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 08-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in connection with Sasaram (M)
P.S. Case No. 146/2017 for offences punishable under Section
30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on information that in the field taken by one
Pradeep Kushwaha the petitioner has kept huge quantity of illicit
liquor, the police raided the place and found 3200 pouches of
country-made liquor each containing 200 ml. in plastic bags.
Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, was not caught red-handed by the



police and the illicit liquor was found in the open field covered by straw. He submits that it is only on the basis of suspicion that the petitioner has been made accused, no such offence under the provisions of the Excise Act has been committed by him and he is languishing in judicial custody since 23.08.2017. He further submits that nothing has been recovered from his possession, even the field is not owned by him and that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged 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 Sessions Judge II cum Special Court, Excise, Rohtas at Sasaram, in connection with Sasaram (M) P.S. Case No. 146/2017, subject to the following conditions :

- (i) Both the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.



- (ii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

U		T	
---	--	---	--

