

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16063 of 2018

Arising Out of PS. Case No.-393 Year-2017 Thana- MAJORGANJ District- Sitamarhi

Prem Paswan, S/o Ghana Paswan, R/o Village-Pakri Tola, Ward no. 4, P.S. Majorganj, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar

For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 21-03-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in connection with Majorganj P.S. Case no. 393 of 2017 registered for the offence punishable under Sections 273, 273 of the Indian Penal Code and Section 30(A) of Bihar Excise and Prohibition Act-2016.

141 lts. of Nepali wine is said to have been recovered from the possession of Mahesh Paswan and Arun Paswan at Shanti Chowk, Dakbunglow, who disclosed the name of the petitioner (Prem Paswan) and one other accused as their fleeing accomplices.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from his conscious



physical possession. He was not apprehended on the spot. He has no concern either with the apprehended accused or with the seized liquor. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring confessional statement of co-accused recorded before the police which has no evidentiary value in the eye of law. He has no criminal antecedent. He has been languishing in custody since 7.02.2018. The said Mahesh Paswan and Arun Paswan have been enlarged on bail vide order dated 18.01.2018 passed in Cr. Misc. no. 346 of 2018 by a co-ordinate Bench of this Court.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd A.D.J.-cum-Special Judge, Excise Act, Sitamarhi in connection with Majorganj P.S. Case no. 393 of 2017.

(Prakash Chandra Jaiswal, J)

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