

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.47261 of 2018**

Arising Out of PS. Case No.-89 Year-2018 Thana- PAKRIDAYAL District- East Champaran

Fulgen Paswan, S/o Mahabir Paswan R/o Village-Panditpur, P.S. Pakridayal,  
Distt-East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar Tondon

For the Opposite Party/s : Mr. Chaubey Jawahar

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

ORAL ORDER

2      02-08-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioner seeks bail in connection with  
Pakridayal P.S. Case No. 89 of 2018 registered for the offence  
punishable under Sections 272, 273, 353 of I.P.C. and Sections  
30, 34, 38 of the Bihar Prohibition and Excise Act, 2016.

30 lts. of toddy and 8 lts. of country made liquor  
are said to have been recovered from Mango orchard of the  
petitioner and he was apprehended.

It is submitted by learned counsel for the petitioner  
that no incriminating article has been recovered from conscious  
physical possession of the petitioner. He has no concern with  
the seized article. He has been falsely implicated in this case at



the instance of his enemy merely because he happens to be owner of the said orchard. The place of recovery is open place and easily accessible to anyone and he had no knowledge of keeping of aforesaid article there. Seizure list does not bear the signature of the petitioner. There is no compliance of Section 100 Cr.P.C. He has no criminal antecedent. He has been languishing in custody since 24.06.2018.

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 Addl. District & Sessions Judge-VII-cum-Special Judge, Excise, Motihari, East Champaran in connection with Pakridayal P.S. Case No. 89 of 2018.

**(Prakash Chandra Jaiswal, J)**

rohit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

