

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2240 of 2019

Arising Out of PS. Case No.-258 Year-2018 Thana- HISUWA District- Nawada

Ajay Paswan @ Jaynandan Paswan, aged 44 years, Male, son of Nangina Paswan, Resident of Village- Tungi, P.S.- Hisua, District- Nawada
... Petitioner

Versus

The State of Bihar
... Opposite Party

Appearance :

For the Petitioner : Mr. Bhavesh Kumar, Adv.

For the Opposite Party : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 17-01-2019 Heard the learned counsel for the petitioner and the learned counsel appearing for the State.

The petitioner is languishing in judicial custody since 03.11.2018 in connection with Hisua P.S. Case No. 258 of 2018 for the offence alleged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the informant, police personnel, is that a raid was conducted in a half built Panchayat building and from the premises 40 liters of country made liquor was recovered. The villagers revealed that the petitioner does liquor business and it is concealed by him in the Panchayat premises. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the liquor was recovered from the public premises and



could not be attributable to the petitioner even on the statement of the villagers. He, further, undertakes not to induce any witness or tamper with the prosecution evidence.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and is involved in one more case of similar nature.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Hisua P.S. Case No. 258 of 2018 to the satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Nawada, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his 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)

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