

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25667 of 2019

Arising Out of PS. Case No.-230 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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MAHENDRA PASWAN, aged 59 years, Male, Son of Late Lal Bihari
Paswan, Resident of Village - Manshur Ganj, Mushari, P.S.- Malsalami, Distt
– Patna

... Petitioner

Versus

The State of Bihar

... Opposite Party

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Appearance :

For the Petitioner : Mr. Naresh Chandra Verma, Adv.

For the Opposite Party : Mr. Md. Nazir Ansari, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 23-04-2019 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
10.02.2019 in connection with Special Case No. 1537 of 2019
arising out of Malsalami P.R. Case No. 230 of 2019 for the
offence alleged under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The prosecution case, as lodged by the Excise
Officials, is that from two bags 44 liters of country made liquor
was recovered which was hidden under bricks and garbage and
the petitioner was apprehended. Accordingly, a seizure memo
was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history, nothing
has been recovered from his conscious possession and he is



languishing in judicial custody since more than two months.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner does not bear any criminal history, as stated in paragraph 3 of the present application, 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 Special Case No. 1537 of 2019 arising out of Malsalami P.R. Case No. 230 of 2019 to the satisfaction of the learned Special Judge, Excise Act, Patna, or the successor Court, subject to the condition that 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.

(Nilu Agrawal, J)

Shamshad/-

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