

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22979 of 2019

Arising Out of PS. Case No.-60 Year-2019 Thana- KESARIA District- East Champaran

MAHENDRA PASWAN aged about 46 years, (Male) Son of Late Chathu Paswan Resident of Village- Kachhariya Tola Keseriya, P.S.- Keseriya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr.Sucheta Yadav, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 15-04-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner seeks bail in connection with Keseriya P.S.Case No.60 of 2019 for the offence alleged under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Excise Act, 2016.

The prosecution case as lodged by the police personnel is that on a special Anti Prohibition Drive, they apprehended two persons in a motorcycle carrying illicit liquor. Thereafter the *Bathan* of the petitioner was searched and 48.450 liters of country made wine was recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent, no other case under the Excise Act is pending against him and he has been made accused only on suspicion. He submits that nothing has been recovered from his conscious possession and he is languishing in judicial custody since 23.02.2019.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and one case although for different offence is pending against him.

Considering the nature of allegations as well as the period of custody, 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 Keseriya P.S.Case No.60 of 2019 to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, Excise, East Champaran, Motihari, 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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