

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51103 of 2019**

Arising Out of PS. Case No.-94 Year-2019 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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RAKESH PASWAN @ RAKESH KUMAR PASWAN Son of Ram Kishore
Paswan Resident of Village- Chuna Bhatti, P.S.- L.N.M.U. Darbhanga,
District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav

For the Opposite Party/s : Mr.Ramesh Chandra

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 19-08-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with L.N.M.U. Darbhanga P.S. Case No.94 of 2019 registered
under Sections 272 and 273/34 of the Indian Penal Code besides
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accusation is that on receiving secret information
about carrying the liquor, loading on three motorcycles, by some
boys from Saramohanpur and unloading the same at Kagwa
Gumti, situated at Rajaji Gahwar, the informant along with other
police personnel reached at Kagwa Gumti, situated at Rajaji
Gahwar. On seeing the police party, four persons started to flee



away, leaving three motorcycles. On chase, one person was apprehended, who disclosed his name as Chhotu Kumar. On search of one black colour Pulser Motorcycle, 130 bottles, each containing 300 ml. Nepali liquor, were recovered. The apprehended accused Chhotu Kumar disclosed the name of his associates, who succeeded to flee away, as Rohit Paswan, Vishal Yadav and the friend of Rohit Paswan, namely, Rakesh Paswan alias Rakesh Kumar Paswan (petitioner).

Learned counsel for the petitioner submits that the petitioner was not apprehended on the spot nor he is the owner of any of the seized motorcycle. In fact, the petitioner is accused in one more case, as detailed in paragraph-3 to this application, in which he is on bail, due to that reason, the petitioner has falsely been implicated in this case, showing the confessional statement of the apprehended accused Chhotu Kumar.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-II-cum-



Special Judge, Excise Act, Darbhanga, in connection with
L.N.M.U. Darbhanga P.S. Case No.94 of 2019, subject to the
conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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