

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70940 of 2019

Arising Out of PS. Case No.-100 Year-2019 Thana- KASHICHAK District- Nawada

SATISH PASWAN Son of Indradev Paswan Resident of Village - Birnawan,
P.S.- Kashichak, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Parmanand Kumar

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 04-12-2019 Heard learned counsel appearing for the petitioner as
well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

The first information report goes to show that neither
petitioner was caught on the spot nor anything was recovered
from his conscious possession.

Petitioner has averred in para 7 of the petition that the
police remanded the petitioner levelling allegation that he also
helped the FIR named accused in selling the illicit liquor.

It is very unfortunate that the learned Additional
Sessions Judge II – cum – Special Judge, Excise, Nawada, has
not taken note of the aforesaid fact while rejecting the bail



prayer of the petitioner and, furthermore, learned Additional Sessions Judge II – cum – Special Judge, Excise, Nawada, committed error on record while mentioning in impugned order that 448 liters liquor was recovered from the possession of the petitioner. Moreover, the persons, who were caught on the spot have already granted privilege of bail by a Coordinate Bench of this Court.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II – cum – Special Judge, Excise, Nawada, in connection with Kashichak P.S. Case No. 100/2019.

However, the learned Additional Sessions Judge II – cum – Special Judge, Excise, Nawada, is advised to be more cautious while passing order on bail petitions.

Let this order be communicated to the concerned officer.

(Hemant Kumar Srivastava, J)

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