

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 65510 of 2019

Arising Out of PS. Case No.-182 Year-2019 Thana- MANIGACHI District- Darbhanga

Barun Kumar Paswan, aged about 35 years, Gender -Male, Son of Rajendra Paswan Resident of Village - Bajitpur, P.S.- Manigachhi Bajitpur, O.P., Distt - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Baidya Nath Prasad, Advocate
For the Opposite Party/s : Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 20-11-2019 Heard learned counsel for the parties.

The petitioner seeks bail in Manigachhi (Bajitpur O.P.) P.S. Case No. 182 of 2019/Darbhang G.O. Case No. 886 of 2019 registered for the offence under Sections 272, 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

The prosecution case is that 7 liters of *Mahua* country-made liquor is said to have recovered from the courtyard of the house of the petitioner.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. There is no recovery from the conscious possession of the petitioner. He submits that the requirement of Section 100 of the Cr.P.C. has not been followed with respect to search and seizure. In the case, chargesheet has also been submitted and as such, there is



no chance of tampering with the evidence. The petitioner is in custody since 04.09.2019 and he has got no criminal antecedent.

Considering the aforesaid facts and circumstances as well as clean antecedent of the petitioner, let the above named petitioner be enlarged 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 A.D.J. IInd cum Special Judge (Excise), Darbhanga in connection with Manigachhi (Bajitpur O.P.) P.S. Case No. 182 of 2019/Darbhanga G.O. Case No. 886 of 2019 on the following conditions:

(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J.)

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