

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9071 of 2020**

Arising Out of PS. Case No.-232 Year-2019 Thana- Bhagwanpur (Belaon) District- Kaimur
(Bhabua)

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Sushil Paswan, S/o Nageshwar Paswan, Resident of Village- Mishripur, P.S.-
Sasaram Mufasil, Distt- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Singh, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 14-05-2020 The matter has been listed today for consideration
through video conferencing in view of the nationwide lockdown
on account of COVID-19 pandemic.

The learned counsels are appearing and making
submissions from their residence. The Court Master and
Secretary are also part of this virtual Court proceedings from
their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Excise
Case No.941 of 2019 arising out of Bhagwanpur (Belaon) P.S.
Case No.232 of 2019 instituted for the offence under Section
30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.



The prosecution case is that acting on a secret information that three persons were carrying liquor in a tempo, the informant along with the raiding party proceeded to verify the same. It is alleged that the petitioner along with two others were sitting on the tempo and when the police party arrived, they started fleeing away and were apprehended by the police. 80.1 litres whisky is said to have been recovered from a bag kept in the tempo.

It is submitted by the petitioner's counsel that the petitioner has no criminal antecedents and has no concern with the recovered liquor, which even as per the prosecution case was in a bag kept in the tempo and not from the petitioner's possession. The seizure is in violation of Section 100 Cr.P.C. and it is a case of false implication of the petitioner.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the prayer for bail made on behalf of the petitioner is allowed.

Accordingly, 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 the learned 3rd Additional Sessions Judge-cum-



Special Judge, Excise, Kaimur at Bhabhua, in connection with Excise Case No.941 of 2019 arising out of Bhagwanpur (Belaon) P.S. Case No.232 of 2019, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID-19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirement of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner shall be liable for the consequences thereof in accordance with



law.

Let this order be communicated, without any delay, to the court of learned 3rd Additional Sessions Judge-cum-Special Judge, Excise, Kaimur at Bhabhua and the competent authority of the State in terms of clause 13 of Notice II published in the Cause List uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

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