

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 9033 of 2020**

Arising Out of PS. Case No.-1451 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

AJAY PASWAN Son of Late Munni Lal Paswan Resident of Village -
Harchanda, P.S. - Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Amit Kumar Jha, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 **13-05-2020** The matter has been listed today for consideration through Video Conferencing in view of the Nationwide lock down on account of the COVID 19 Pandemic.

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

Heard Mr Amit Kumar Jha, learned counsel for the petitioner as well as learned APP for the State.

Petitioner seeks bail in Ahiyapur Police Station (for brevity, PS) Case No 1451 of 2019 dated 12.12.2019 instituted for the offence punishable under Sections 272, 273 of Indian Penal Code and Sections 30 (a), 36, 38 of Bihar Prohibition and



Excise Act, 2016.

Acting on a tip off, the police proceeded to investigate trade of illicit liquor from one co-accused Girna Devi. During course of search at the house of Girna Devi, the petitioner's father-in-law (Fudani Paswan) was also implicated as one indulging in illicit trade of liquor. The petitioner, son-in-law of Fudani Paswan, has been apprehended from the house of Fudani Paswan in process of the search dated 13.12.2019. Petitioner has also submitted that he was visiting his in-laws' house and has no concern with the recovery in question. Recovery is alleged from the house of his in-laws and not from his possession. The 22 liters out of 44 liters are said to have been recovered from the petitioner's in-laws' house. Petitioner is in custody since 13.12.2019 and has no criminal antecedent.

The learned APP for the State opposed the prayer for bail submitting that the petitioner was apprehended from the house in question and cannot escape his criminal liability.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, abovenamed, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of Special Judge, Excise Act, Muzaffarpur in Ahiyapur PS Case No 1451 of 2019 subject to the following conditions -

(1) 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 bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) 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 lock down 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 bonds to the satisfaction of the Court concerned.

The petitioner must comply with the requirements 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 will be liable for the consequences thereof in accordance with



law.

Let this order be communicated, without any delay, to the Court of Special Judge, Excise Act, Muzaffarpur 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 this Court.

(Madhuresh Prasad, J)

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