

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19633 of 2020

Arising Out of PS. Case No.-264 Year-2019 Thana- MOTIPUR District- Muzaffarpur

SHIVNATH PASWAN Son of Kailash Paswan Resident of Village- Purani
Bazar, Paswan Toli, P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Pravin Kumar, Advocate.
For the State	:	Mr. N.K. Prasad, A.P.P.

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

ORAL ORDER

2 17-06-2020 Heard learned counsel for the petitioner and the learned
A.P.P. for the State through Video Conferencing.

The petitioner seeks bail in connection with Motipur P.S. Case No.264 of 2019 registered under Sections 413 and 414 of the Indian Penal Code besides Sections 30(a), 38(1)(2) and 41(1) of the Bihar Prohibition and Excise Act.

The accusation is that on receiving the secret information about keeping the liquor by the petitioner in barren land at Purani Bazar, Paswan Toli, the informant along with other police personnel reached there. On seeing the police party, 2-3 persons started to flee away but out of them, one was identified as Shivnath Paswan (petitioner), however, they succeeded to flee away. At that place, one white colour Maruti car was found in standing condition. On search of the white colour Maruti car, 10 cartoons, each



containing 12 bottles of 750 ml., Indian Made Foreign Liquor were recovered and on digging the soil of the barren land, 67 cartoons, each containing 12 bottles of 750 ml. Indian Made Foreign Liquor, were recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is neither the owner nor the driver of the aforesaid Maruti car and is also not the owner of the barren land from which the alleged recovery of Indian Made Foreign Liquor are said to be made. In fact, the petitioner is accused in three other cases, as detailed in paragraph-3 to this application, due to that reason, the police falsely implicated the petitioner in the present case. The petitioner surrendered before the trial court in the present case on 24.02.2020 and since then he is in custody.

Having regard to the facts and the circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Excise, Muzaffarpur, in connection with Motipur P.S. Case No.264 of 2019.

(Rajendra Kumar Mishra, J)

P.S./-

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