

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20645 of 2020

Arising Out of PS. Case No.-454 Year-2019 Thana- MOTIPUR District- Muzaffarpur

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 23-06-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Counsel for the petitioner is directed to remove the
defects, as point out by the office, within a period of four weeks
from the date of lifting of the lockdown in the State of Bihar.

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

The petitioner seeks bail in a case instituted for the
offences under Sections 272, 273 of the Indian Penal Code and
30(a)/ 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

Prosecution case, in short, is that 2200 liters raw spirit
is recovered.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 24.2.2020. Charge-sheet/prosecution report has been submitted in this case. There is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that 2200 liters raw spirit is recovered from the open field in an abandoned state. The name of the petitioner has come on the basis of secret information as per F.I.R. The source and genuineness of the secret information has not been disclosed by the prosecution. There is no recovery from the conscious possession of the petitioner. The petitioner has no knowledge regarding the aforesaid incident. There is no compliance of Section 100 Cr.P.C. Other co-accused has been granted anticipatory bail vide order dated 21.01.2020 passed in Cr. Misc. No. 886 of 2020.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the facts and circumstances of the case and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of Special Judge, Excise, Muzaffarpur in connection with Motipur P.S. Case No. 454 of 2019.

Once the normalcy is restored, the petitioner shall



furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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