

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24327 of 2020

Arising Out of PS. Case No.-213 Year-2020 Thana- SARAIYA District- Muzaffarpur

MITHUN KUMAR @ MITHUN KUMAR PASWAN Son of Late Mishri Lal Paswan R/o Kuldip Chhapra, P.S.- Saraiya, District- Muzaffarpur, At present Residing at Marwa Pakar, P.S.- Saraiya, District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Tulika Singh, Advocate

For the Opposite Party/s : Mr. Anant Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 21-09-2020 Heard Ms. Tulika Singh, learned counsel for the petitioner and Mr. Anant Kumar, learned Additional Public Prosecutor appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Saraiya P.S. Case No. 213 of 2020 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code 1860 and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation against the petitioner as per the First Information Report is that the Police raided the thatched roof house of co-accused Raushan Jha and recovered 13.140 litres of illicit liquor and further raid was conducted in the cloth shop of co-accused Wakil Rai from where 7.125 litres of illicit liquor



was recovered. Raid was also conducted by the police in the house of co-accused Jagga Paswan from where recovery of 22.5 litres of illicit liquor was made. The allegation against the petitioner is that he used to provide liquor to the aforesaid accused persons.

Learned counsel for the petitioner submits that the petitioner has got no criminal antecedent and he has falsely been implicated in this case with oblique motive. Learned counsel further submits that no illicit liquor has been recovered from conscious possession of the petitioner and his name has been dragged in this case only on the basis of disclosure allegedly made by the co-villagers. Learned counsel also submits that the petitioner is in custody since 7.6.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that neither petitioner has got any criminal antecedent nor illicit liquor has been recovered from his conscious possession or the premises belonging to him and he is in custody since 7.6.2020, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of learned Special Judge, Excise, Muzaffarpur, in
connection with Saraiya P.S. Case No. 213 of 2020.

It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines regarding
lockdown and social distancing.

(Anil Kumar Sinha, J)

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