

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28777 of 2020**

Arising Out of PS. Case No.-97 Year-2020 Thana- BHAWANIPUR District- Purnia

SANJAY KUMAR PASWAN @ SANJAY PASWAN @ MAJNU PASWAN
@ MAJNU Son of Late Jalandhar Paswan Resident of Village- Akbarpur,
Paswan Tola, P.S.- Bhawanipur (Akbarpur), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh

For the Opposite Party/s : Mr. Md. Attaur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 10-11-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Shri Md. Attaur Rahman, the learned A.P.P. appearing for the State.

The petitioner seeks regular bail in connection with Special Excise Case No. 224 of 2020 arising out of Bhawanipur (Akbarpur) P.S. Case No. 97 of 2020 for the offence punishable under Section 37 of the Bihar Prohibition and Excise Act, 2016.

The case of the prosecution in brief is that the police force was on patrolling duty and when they had reached



near the house of the petitioner, on the alleged date and time of occurrence, they found that the petitioner was creating a commotion, whereupon, with the help of police force, the petitioner was arrested and it transpired that smell of liquor was oozing out from his mouth. It is further alleged that when breath analyser test was conducted upon the petitioner, he was found to have consumed alcohol.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 30.05.2020.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the period of incarceration of the petitioner herein and the nature of allegation levelled against him, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs.



10,000/- with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Purnea in connection with Special Excise Case No. 224 of 2020 arising out of Bhawanipur (Akbarpur) P.S. Case No. 97 of 2020.

(Mohit Kumar Shah, J)

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