

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14520 of 2021**

Arising Out of PS. Case No.-409 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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AKHILESH PASWAN Son of Late Nandlal Paswan Resident of Bhupbhairo
Kanta Chowk, Ward No. 10, P.S. - Sitamarhi, District - Sitamarhi -843302.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha No.1, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 22-06-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with C2 Case No.409/2020 registered for the

offences punishable under Section 30(a) of the Bihar Prohibition

and Excise Act, 2016.

That prosecution story in short is that on 11.11.2020

on secret information the Excise Police Officer along with other

police personnel carried out a raid in the Bansbari (Bamboo

Clamp) near the house of the petitioner and recovered 600



bottles of Nepali Saufi wine of 300 ml. each i.e. 180 liters. Thereafter the petitioner was apprehended and seizure list was prepared.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel submits that the recovery of illicit liquor has not been made from the conscious possession of the petitioner and the Bansbari (Bamboo Clamp) cannot be said to be a part of his house. It is submitted that the petitioner has otherwise no criminal antecedent and he is in jail in connection with the present case since 11.11.2020.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the recovery of illicit liquor has not been made from the conscious possession of the petitioner, he has been falsely implicated in this case and the Bansbari (Bamboo Clamp) cannot be said to be a part of his house, he has otherwise no criminal antecedent and is languishing in jail in connection with the present case since 11.11.2020, investigation against him is complete, but the trial is not likely to be



concluded in near future, considering all these aspects of the matter, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge (Excise), Sitamarhi in connection with C2 Case No.409/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of



bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

