

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21161 of 2021

Arising Out of PS. Case No.-1451 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

Phudeni Paswan @ Fudeni Paswan @ Fudeny Paswan, aged about 77 years,
Gender-Male, Son of Late Tapeswar Paswan, Resident of Village- Bairiya,
Paras Maul Wala Gali, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Ms. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-11-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 1451 of 2019 dated 12.12.2019
registered for offence punishable under Sections 272, 273 of the
Indian Penal Code and Sections 30 (a), 36 and 38 of the
Prohibition and Excise Act.

It has been alleged that 22 liters of country made
liquor was recovered from the house of the petitioner. It is
submitted on behalf of petitioner that the age of the petitioner is
77 years old. It is not expected of the petitioner to be involved
in trade of illicit liquor and has falsely been implicated in this
case. He further submits that the petitioner is in custody since
14.12.2020 without any fault.

Learned counsel appearing on behalf of the State,
submits that involvement of petitioner in illegal trade of liquor



cannot be ruled out and as such he does not deserve the privilege of bail.

Considering the facts and circumstances of the case and the period of custody of the petitioner that he is an old man, I am inclined to release the petitioner namely Phudeni Paswan @ Fudeni Paswan @ Fudeny Paswan on bail.

Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1451 of 2019, subject to following conditions:

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the Court below shall be at liberty to cancel the bail bonds of the petitioner.

(b) Both the bailors shall be the resident of territorial jurisdiction of the learned Court below.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Purnendu Singh, J.)

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