

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26023 of 2021

Arising Out of PS. Case No.-460 Year-2020 Thana- MINAPUR District- Muzaffarpur

Bijli Paswan S/O Sita Ram Paswan Resident Of Village - Dharpur, P.S. -
Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Punam Shrivastava

For the Opposite Party/s : Mr. Bal Mukund Prasad Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Minapur P.S. Case No. 460 of 2020 registered for the offence punishable under Sections 272, 273, 120 (B) and 34 of the Indian Penal Code besides under Sections 8(c)/20/21/22 of N.D.P.S. Act 1985 and under Section 30 (a)/37 (b) of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 520 liters of illegal spirit and



10.500 kg of *ganja* like substance is said to have been recovered from the house of co-accused *Ram Ishwar Rai*. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that it is observed that till date no confessional statement of *Ram Ishwar Rai* in corroboration of his statement made in F.I.R. has been recorded by police, hence, the statement made in F.I.R. does not have evidential value. Petitioner has two similar nature of the offence against him as has been mentioned in para-3 of the present petition and has been languishing in custody since 17.01.2021.

Petitioner is agreed to deposit a sum of Rs. 5,000/- (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned court below where the case is pending/successor court in connection with G.R. No. 1569/2020 in connection with Minapur P.S. Case No. 460 of 2020 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is



relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 5,000/- (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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