

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29273 of 2021

Arising Out of PS. Case No.-308 Year-2020 Thana- DUMRAO District- Buxar

Raj Kumar Paswan, S/o Bhuvneshwar Paswan @ Bhuvneshwar Ram R/o village- Safakhana Road, Mushar Toli, Ward No. 14, Dumraon, P.S.- Dumraon, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-12-2021 Heard learned counsel appearing on behalf of the petitioner as well as learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioner who is in custody since 08.01.2020 seeks bail in connection with Dumraon P.S. Case No.308 of 2020 (CIS No.882 of 2020) registered for offence punishable under Section 30(a) of Bihar Prohibition and Excise Act.

Prosecution case in brief, is that altogether 26 liters 640 ml of illicit English wine was recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has been illegally implicated in the present case showing the alleged seizure from the house of the



petitioner while the petitioner was not present at his house. The very veracity of the seizure is under doubt and suspicion, and as such the petitioner be released on bail.

Learned counsel appearing on behalf of the State submits that petitioner is one of the participant and one of the member of the syndicate which is operating in the State of Bihar which is involved in manufacturing and re-bottling of liquor and selling it to the innocent public in the recent past, it has been seen that several innocent persons are died out of consuming the illicit wine and petitioner is one of the facilitator of the said illegal trade of liquor which is not in public interest and the same has been prohibited in the State of Bihar.

Having considered the rival submissions made on behalf of the parties, petitioner has made out a case, so far as the present case is concerned that nothing was recovered from the conscious possession of the petitioner, the illicit liquor was recovered from the house of the petitioner, neither the seizure list bearing the signature of the petitioner that the same was handed over to the petitioner in his presence, it is directed that the court below after verifying the criminal antecedent of the petitioner and on being satisfied release the petitioner on furnishing bail bond of Rs.3,00,000/-(Rupees Three Lacs) with



two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Ind -cum- Special Judge Excise, Buxar in connection with Dumraon P.S. Case No.308 of 2020 (CIS No.882 of 2020), subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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