

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34637 of 2020

Arising Out of PS. Case No.-217 Year-2020 Thana- SAHPUR District- Bhojpur

Sanoj Paswan, aged-19 years (M), Son of Ramayan Paswan @ Ramayan Ram
Resident of Village - Ranisagar, P.S.- Shahpur, Dist.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the State : Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 17-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Manoj Kumar, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Sahpur PS Case No. 217 of 2020 dated 14.07.2020, instituted under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').

4. The allegation against the petitioner is that when the police on information that two persons were dealing in liquor, reached the place, one person was caught, namely Kariman Paswan, and he has disclosed that it was the petitioner who had run away, and from his sack there was recovery of 15 litres of



wine.

5. Learned counsel for the petitioner submitted that no liquor attributable to him has been seized. It was submitted that in the FIR itself, the allegation is that the other person who was not caught ran away with the sack and, thus, nothing was found at the spot. It was submitted that the name of the petitioner has transpired in the confession of the arrested person, that too before the police, which is not admissible in evidence. It was submitted that even otherwise the arrested person, being a co-villager, due to village politics the petitioner has been falsely implicated. Learned counsel submitted that the petitioner has no criminal antecedent. It was submitted that without there being any recovery attributable to the petitioner, the case against him cannot proceed.

6. Learned APP submitted that the arrested person has taken the name of the petitioner. However, it was not controverted that no liquor attributable to the petitioner has been recovered.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon



furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 4th -cum-Special Excise Act, Bhojpur at Ara or concern Court Bhojpur at Ara in Shahpur PS Case No. 217 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate



action on the same after giving opportunity of hearing to the petitioner.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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