

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37425 of 2020

Arising Out of PS. Case No.-190 Year-2019 Thana- DUMARIAGHAT District- East
Champaran

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SANJAY PASWAN, son of Ramashish Paswan, Resident of Village- Dipau,
P.S. Kotwa, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Mukeshwar Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-02-2021 Heard Mr. Abhishek Kumar, learned counsel for the

petitioner and Mr. Mukeshwar Dayal, learned Additional Public

Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Dumariyaghat P.S. Case No. 190 of 2019 registered for the
offences punishable under Sections 272, 273/34 of the Indian
Penal Code 1860 and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

The allegation as per the First Information Report is
that the Police on the basis of secret information, proceeded
towards the place of occurrence and upon seeing the Police
party all the co-accused persons started fleeing away. However,
from standing truck, a total quantity of 7040 litres of spirit was



recovered and two Bolero pick up van which were standing near the truck for the purpose of unloading, were also seized by the Police. The petitioner happens to be the owner of the Bolero pick up van bearing registration No. BR05G-8498 and driver of the said pick up van was arrested on the spot.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of fact that he happens to be the owner of the pick-up van. Learned counsel further submits that the pick up van in question was being plied on hire basis by its driver and petitioner was not aware that the driver of the pick-up van was involved in illegal activities. Learned counsel next submits that the petitioner has got no criminal antecedent and he is in custody since 23.09.2020.

Having regard to the submissions made by the parties and taking into consideration the materials on record and the fact that no illicit liquor has been recovered from conscious possession of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/-



(Ten thousand) with two sureties of the like amount each to the satisfaction of learned 13th Additional Sessions Judge cum Special Judge, Excise, East Champaran, Motihari, in connection with Dumariyaghat P.S. Case No. 190 of 2019.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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