

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5609 of 2021**

Arising Out of PS. Case No.-362 Year-2019 Thana- ALOULI District- Khagaria

DINESH PASWAN Son of Kamlu Paswan Resident of Village- Rampur
Alauli Paswan Tola,P.S.- Alauli, Distt- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-04-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Alauli P.S. Case No. 362 of 2019, G.R. No. 3122 of 2019 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Learned counsel for the petitioner submits that as per the prosecution story, the informant on getting secret information regarding preparation of illicit liquor, raided the



given place where on seeing the police, 10-12 persons managed to escape. Local Chaukidaar disclosed the name of escaped persons. The informant on search recovered 300 litres soaked mahua and 10 litres of mahua liquor from the said place.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the petitioner has no concern with the place from where the said mahua has been seized. Learned counsel submits that the petitioner is in custody since 02.09.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein it is the submission of learned counsel for the petitioner that the petitioner has been named one amongst 12 persons named in the F.I.R. and with 3-4 unknown persons who had reportedly fled away on seeing the police party, the submission is that it is a case of false implication of the petitioner, manufacturing of mahua wine was not taking place on his land or in his house, he has remained in custody in connection with this case since 02.09.2020 and on query made by this Court, Mr. Ram Sumiran Rai, learned counsel for the



petitioner submits that the petitioner is on bail in two cases stated in paragraph '3' of the application, investigation against him is complete and at this stage there is no submission on behalf of the State that his release is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Sepcial Judge, Exise, Khagaria in connection with Alauli P.S. Case No. 362 of 2019, G.R. No. 3122 of 2019 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.



And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

