

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7523 of 2021

Arising Out of PS. Case No.-183 Year-2020 Thana- MOTIPUR District- Muzaffarpur

SHIVNATH PASWAN S/o Kailash Paswan R/o village- Purani Bazar,
Paswan Toli, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr.Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-06-2021 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 Motipur P.S. Case No. 183 of 2020 registered for the offence punishable under Section 272 and 273 of the IPC and section 30(a), 41(1) (2) of the Bihar Prohibition and Excise Act.

Altogether 360 litres of spirit is said to have been recovered from the car parked outside the house of the petitioner.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor, place of recovery or any trade of liquor. The alleged recovery was made from a car parked outside the house of petitioner and also from the house of the petitioner but he has no concern with the said car and the house is also a joint family property. He has been falsely implicated in this case by the police merely on suspicion due to previous antecedent. Petitioner is languishing in custody since 15.10.2020.

Learned counsel for the State opposed the prayer for bail and submits that petitioner has four criminal antecedent of similar nature as has been mentioned in para-3 of the present petition.

Petitioner is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten 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 Special Judge Excise, Muzaffarpur in connection with Motipur P.S. Case No. 183 of 2020, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by the learned court concerned.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000.00 (Rupees Ten Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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