

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9377 of 2021

Arising Out of PS. Case No.-801 Year-2020 Thana- KHAGARIA District- Khagaria

Balram Paswan, aged about 30 years, (Male) son of Shyamdev Paswan,
Resident of village- Labhgoan, Police Station- Gangour, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Ranjeet Kumar Singh, Advocate
For the State : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-08-2021 In view of the sudden resurgence of Covid-19 infection,

there is limited functioning of the High Court and, therefore, the

matter has been listed today for consideration through virtual

mode.

Learned counsel for the petitioner is expected to honour

his undertaking given in the instant case for depositing the

requisite court fee and to remove the defects as pointed out by

office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned

counsel for the State.

The petitioner seeks bail in Khagaria (Gangour) PS Case

No.801 of 2020, GR No.3184 of 2020, instituted for the offence

under Section 30(a) of the Bihar Prohibition and Excise Act,

2018.



The petitioner is in custody since 22.10.2020 on being arrested from the campus of Ram Sundar Paswan where 05 litres country made liquor has been recovered.

The learned counsel for the petitioner submits that recovery is not from his possession but, from an open field accessible to one and all, for which, criminal liability cannot be fastened on the petitioner. He is on bail in Khagaria (Gangour) P.S. Case No. 599 of 2019.

The learned APP representing the State has opposed the prayer for bail. It is submitted that there is recovery of illicit liquor. The petitioner also has criminal antecedents.

Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **Spl. Judge (Excise Act), Khagaria**, in connection with **Khagaria (Gangour) PS Case No.801 of 2020, GR No.3184 of 2020**, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the



petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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