

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10886 of 2021**

Arising Out of PS. Case No.-17 Year-2020 Thana- GAYA KOTWALI District- Gaya

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ARVIND PASWAN @ ARVIND PASHWAN @ KAUWA PASHWAN @
KOWA @ KAUWA PASWAN @ KAUWA Son of late Pun Pashwan @ Late
Mosawa @ Puk Paswan @ Late Puna Paswan Resident of Mohalla - Murli
Hill Pahad, Bairagi, P.S.- Kotwali, Dist.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-06-2021 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 Kotwali P.S. Case No. 17 of 2020 registered for

the offences punishable under Sections 30(a) and 37(ii) of the

Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that as per

the prosecution story the informant was on patrolling duty and

when he reached near Murli Hill Bairagi he found one person in



drunken state. The informant apprehended the said person and he disclosed that he had bought wine from the petitioner who runs illicit liquor trade in the house of one Suresh Paswan. When the police team reached the said place they saw two persons fleeing away and upon search a total of 204 litres country made liquor was recovered.

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 house from where the alleged recovery has been made does not belong to this petitioner and nothing incriminating has been received from the conscious possession of this petitioner. It is submitted that the petitioner is in custody since 02.12.2020.

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

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioner that the alleged recovery of illicit wine has been made from the house of the co-accused Suresh Paswan, the name of this petitioner has been brought in this case on mere suspicion alleging that he and the another co-accused were selling wine from the house of the said Suresh Paswan, however, there is



nothing but mere suspicion and the petitioner has remained in jail in connection with this case for over six months, investigation against him is complete and the only criminal antecedent against him as stated in paragraph '3' of this application, he is on bail, 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 A.D.J.-II-cum-Special Judge, Excise Act, Gaya in connection with Kotwali P.S. Case No. 17 of 2020 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'.

