

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3121 of 2022**

Arising Out of PS. Case No.-518 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

=====

Mohan Paswan Son of Sushil Paswan R/o Village - Islampur, Ward No. 9, P.S.
- Riga, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Akbar Ali, APP

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 24-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with

Complaint Case No. C 2- 518 of 2021 registered for the offence

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

The accused/petitioner is named in the F.I.R. and is in

custody since 10.11.2021.

The allegation against the petitioner is to have in

possession of 213 liters of Nepali saufi wine.

Learned counsel appearing on behalf of the petitioner

submitted that petitioner is not the owner of the tempo from



which the recovery has been made and nothing incriminating has been recovered from the conscious physical possession of the petitioner. While concluding the argument, it has further been submitted that petitioner is a man of clean antecedent, moreover, chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer of bail fairly conceded that the the recovery has not been made from the conscious physical possession of the petitioner

Considering the facts and circumstances as mentioned above, as the the recovery has not been made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Complaint Case No. C 2- 518 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi, subject to the following conditions:

“(i) Accused/Petitioner shall
cooperate in the trial and shall be physically



present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Raj Kumari Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

U		T	
---	--	---	--

