

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4999 of 2022

Arising Out of PS. Case No.-132 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Vikky Paswan Son of Ramanand Paswan Resident of Village - Kolhua
paigambarpur, P.s.- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2022 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.

Learned counsel appearing on behalf of the petitioner
filed a supplementary affidavit as regard to the correction of
police station name and police station case number. As per the
affidavit, the same be read as “Ahiyapur P.S. Case No. 132 of
2020” instead of “Motipur P.S. Case No. 433 of 2018”.

The petitioner seeks bail in connection with Ahiyapur
P.S. Case No. 132 of 2020 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and Sections 30
(a) (E)/30(F) and 36 of the Bihar Prohibition and Excise Act,
2016.



The accused/petitioner is named in the F.I.R. and is in custody since 13.11.2021.

The allegation against the petitioner is to have in possession of 20 liters of country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that the recovery cannot be said from the conscious physical possession of the petitioner as per the seizure list, for the reason that the same has been recovered from the hutment of the petitioner. It has further been submitted that the name of the petitioner surfaced on the basis of secret information. While concluding the argument, it has also been submitted that the petitioner is a man of clean antecedent and 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 for bail fairly conceded that the recovery is not from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the recovery of illicit liquor is not from the conscious physical possession of the petitioner coupled with the fact that petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with



Ahiyapur P.S. Case No. 132 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, 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 Sharda Devi, who is the sister of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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