

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8926 of 2022

Arising Out of PS. Case No.-257 Year-2021 Thana- JANDAHA District- Vaishali

Dharam Nath Paswan Son of Sakaldeep Paswan Resident of Village-
Kutubpur Saidpur, Police Station- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, App

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 27-06-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within four
weeks from today.

The petitioner seeks regular bail in connection with
Jandaha P.S. Case No.257, 2021, instituted for the offences
punishable under Sections 414, 272 and 273 of the Indian Penal
Code and under Section 30(a) of Bihar Prohibition and Excise
Act, 2018.

Learned counsel for the petitioner submits that the
petitioner is in custody since 13.11.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

The prosecution case, in short, is that the informant
received a secret information about the country made liquor,



which was kept in a tempo at Dhandhua village. The informant along with police personnel reached at the said place and found a tempo standing there and also saw that 2-3 persons were standing near the said tempo. As the informant reached near the tempo, seeing the police vehicle, four persons started fleeing away, in which one person was caught with the aid of the police team but three persons managed to flee away. On enquiry, the apprehended person disclosed his name as Dharamnath Paswan (petitioner). On search, total 25 litres spirit was recovered in blue gallon kept in the said tempo.

Learned counsel for the petitioner submits that the petitioner is innocent, has not committed any offence and he has falsely been implicated in this case. Further, it is submitted that petitioner is not the owner of the tempo, not driver or cleaner of the tempo. It is also submitted that nothing is recovered from the conscious possession of the petitioner. It is further submitted that petitioner is in custody since 13.11.2021 without any fault from his part.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody since 13.11.2021 and charge-sheet has been submitted in the



case, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1 -Cum- Additional District and Sessions Judge, Vaishali at Hazipur in connection with Jandaha P.S. Case No.257, 2021.

(Khatim Reza, J)

Gaurav Kumar/-

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