

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9608 of 2022

Arising Out of PS. Case No.-838 Year-2021 Thana- KUDHNI District- Muzaffarpur

Suresh Paswan, Son of Late Lakhindra Paswan, Resident of Village -
Kharauna Dih, P.s.- Kudhani (Turki O.P.), Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kudhani (Turki O.P) P.S. Case No. 838 of 2021 registered for the alleged offences under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, about 20 litres of country made chulai liquor along with some articles for manufacturing the same have been recovered from the house of co-accused persons. The co-accused named this petitioner for his involvement in the offence.



The learned counsel for the petitioner submits that the petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has got no criminal antecedent. He has been named merely on suspicion in this case based on the confessional statement of co-accused persons. Charge-sheet has been submitted and the petitioner is in custody 24.12.2021

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the petitioner and considering the fact that charge-sheet has been submitted in this case and further considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise) Court No.-II, Muzaffarpur in connection with Kudhani (Turki O.P.) P.S. Case No. 838 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the deponent, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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