

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12866 of 2022

Arising Out of PS. Case No.-233 Year-2021 Thana- ATHMALGOLA District- Patna

Naresh Paswan Son of Indradeo Paswan Resident of Village- Ramnagar
Diyara, P.S.- Athmalgola, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Nand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within 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 Special Case No. 7751 of 2021 arising out of
Athmalgola P.S. Case No. 233 of 2021 registered for the alleged
offence under Section 30(a) of the Bihar Prohibition and Excise
Act, 2018.

The prosecution case is that the petitioner and co-
accused have been involved in sale of illicit liquor and they
were operating from some agricultural land. The said place was
raided and about 131 liters of country made liquor was seized



but the petitioner managed to escape from the spot.

The learned counsel for the petitioner submits that the petitioner is innocent and he was neither apprehended from the spot nor any incriminating article was recovered from his possession. The alleged recovery was made from a ditch near a field and the said land does not belong to this petitioner. Petitioner is a poor person and he is in custody since 28.11.2021 and charge-sheet has been submitted in this case.

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

Having regard to the submissions made hereinabove and considering the fact that charge-sheet has been submitted and further considering the custody period of the petitioner, 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 Additional District Judge-III, Special Judge, Excise Court, Barh, Patna in connection with Special Case No. 7751 of 2021 arising out of Athmalgola P.S. Case No. 233 of 2021, subject to the following conditions:

(i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for 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)

ved/-

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