

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15944 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- OBRA District- Aurangabad

MANISH KUMAR PASWAN @ MANISH PASWAN S/o Birhaspat Paswan
@ Brispati Paswan Resident of Village-Surkhi Bigha, P.S.-Obra, District-
Aurangabad (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State,
through virtual Court proceedings.

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

The petitioner seeks bail in connection with Obra P.S.
Case No. 43 of 2022 registered for the offence under Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.02.2022.

The allegation against the petitioner is to be engaged
in illegal trade of illicit liquor, where, there was total recovery
of 78 litres of illicit country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery has been made from open place i.e. bank of “Adri” river and it cannot be said that the recovery of the illicit liquor has been made from the conscious physical possession of the petitioner. It has further been submitted that nothing surfaced during course of the investigation, which may connect the petitioner with the alleged recovery in any manner. It has further been submitted that the petitioner is man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery has been made from the open place.

Considering the facts and circumstances as mentioned above, as alleged recovery has not been made from the conscious physical possession of the petitioner, who is man of clean antecedent coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Obra P.S. Case No.43 of 2022 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-IX-cum-Special Judge, Excise-IIInd, Aurangabad, 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.

(iii) That one of the bailors shall be Binod Paswan, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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