

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21781 of 2022

Arising Out of PS. Case No.-497 Year-2021 Thana- PATLIPUTRA District- Patna

Maheshwar Paswan Son of Ram Jivan Paswan Resident of Village - Barah,
P.S.- Ranitalab, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Usha Kumari Singh, Advocate
For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-07-2022 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.

The petitioner seeks bail in connection with Patliputra
P.S. Case No. 497 of 2021 registered for the offence under
Sections 30(a), 36, 38(i), 41(i) and 37(b)(c) of Bihar
Prohibition and Excise Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 01.10.2021.

The allegation against the petitioner is to involve in
illegal business of illicit liquor, where 531 liters of illicit liquor
was recovered from garbage and 250 ml from the petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that the alleged recovery of 531 liters of illicit liquor was made from the garbage, as such, it cannot be said from the conscious physical possession of the petitioner and nothing surfaced during the course of investigation, which may connect the petitioner with the alleged recovery of 531 liters of illicit liquor. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded that recovery is made from garbage, except 250 ml of illicit liquor, as per F.I.R.

Considering the facts and circumstances as mentioned above, as major recovery of illicit liquor, except 250 ml, cannot be said from the conscious physical possession of the petitioner, who is a man of clean antecedent coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Patliputra P.S. Case No. 497 of 2021 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



Act, Patna/concerned Court, 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 Karmu Paswan, who is the full brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-
Shweta/-

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