

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22564 of 2022

Arising Out of PS. Case No.-295 Year-2020 Thana- NAUGACHIA District- Bhagalpur

Pawan Kumar Parwana, Son of Umesh Prasad Singh, Resident of Village-
Pakra, P.S.- Naugachia, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Najmul Hodda, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Naugachia P.S. Case No. 295 of 2020 registered for the alleged offences under Sections 30(a), and 38(i) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, from a brick-kiln of co-accused Vijay Singh, total 682.5 litres of foreign liquor was recovered and three vehicles standing on the land were also seized. The name of the petitioner transpired in the confessional statement of co-accused Pankaj Pandit for being involved in the



trade of illicit liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not arrested from the spot and nothing incriminating has been recovered from his possession. Merely on suspicion, he has been made accused in this case. Except for the confessional statement of co-accused, there is no substantive material against this petitioner. On earlier occasions also, the petitioner was implicated in two cases of similar nature during course of investigation by the police and the present case has also been registered by the police in its high handedness. Learned counsel further submits that the similarly placed co-accused persons, namely, Sujit Kumar and Pankaj Pandit have been granted bail by the Hon'ble High Court vide order dated 14.02.2022 passed in Cr. Misc. No. 42854 of 2021 and order dated 28.02.2022 passed in Cr. Misc. No. 45346 of 2021, respectively. The petitioner is in custody since 27.01.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that nothing has been recovered from this petitioner and the petitioner was not apprehended from the



spot and further considering the submission of charge-sheet along with 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 Exclusive Excise Court No.2, Bhagalpur, in connection with Naugachia P.S. Case No. 295 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be Suman Kumar, brother of the petitioner, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) 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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