

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.25391 of 2022**

Arising Out of PS. Case No.-150 Year-2021 Thana- KHODAWANDPUR District- Begusarai

Saban Kumar @ Sawan Kumar @ Sawan Kumar Paswan Son of Ramnandan Paswan Resident of Village - Khodawandpur, P.s.- Khodawandpur, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arjun Prasad, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      08-07-2022                      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 Khodawanpur P.S. Case No. 150 of 2021 registered for the offence under Sections 120(B), 414, 465 and 477 of the Indian Penal Code and Sections 30(a), 41(i) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is not named in the F.I.R. and is in custody since 15.03.2022.

The allegation against the petitioner is to be engaged



in illegal trade of illicit liquor, where, there is recovery of 352.08 litres of illicit IMFL.

Learned counsel appearing on behalf of the petitioner submitted that neither petitioner was arrested on the spot nor no way connected with the seized liquor. It has further been submitted that name of the petitioner surfaced on the basis of secret information. It has further been submitted that the petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation has been 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 recovery has not been made from the physical possession of the petitioner, as per FIR.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioner, who is a 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 Khodawanpur P.S. Case No. 150 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 Court No.1, Begusarai, 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 Tambika Kumari, who is the wife of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

S.Katyayan/  
R.S.Sen/-

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