

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26435 of 2022

Arising Out of PS. Case No.-411 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

=====

MUNCHUN PASWAN SON OF DEVENDRA PASWAN R/O VILLAGE-
PATAHI ROOP, P.S.- MUZAFFARPUR SADAR, DISTRICT-
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Singh
For the Opposite Party/s : Mr.Binod Kumar

=====

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022 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

Muzaffarpur Sadar P.S. Case No. 411 of 2020 registered for the

offence under Sections 147, 148, 149, 341, 323, 332, 353 of the

Indian Penal Code and Sections 30(a) and 45 of the Bihar

Prohibition and Excise Act, 2018.

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

custody since 09.03.2022.

The allegation against the petitioner is to be engaged



in illegal trade of illicit liquor, where, there is recovery of 34.56 litres of illicit IMFL.

Learned counsel appearing on behalf of the petitioner submitted that recovery has been made from car, which was jointly occupied by other co-accused persons, as such, it cannot be said that the alleged recovery has been made from the conscious physical possession of the petitioner. It has further been submitted that petitioner is a man of clean antecedent. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, 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 was made from jointly occupied car.

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, let the petitioner, above named, is directed to be released on bail in connection with Muzaffarpur Sadar P.S. Case No. 411 of 2020 on furnishing bail bond of



Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Muzaffarpur/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 Sunaina Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

