

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27339 of 2022

Arising Out of PS. Case No.-287 Year-2021 Thana- TARAIYA District- Saran

Harendra Paswan, Son of Late Rajendra Paswan, Resident of Village- Korari,
P.s.- Nagar Nausa, Distt.- Nalanda, at Present posted as S.I. at Taraiya P.S.,
Distt.- Saran at Chapra. ... Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate
For the Opposite Party/s : Mr. M. K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-07-2022 Today this case has been listed on priority basis on the
motion slip filed by the learned counsel for the petitioner.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Mritunjay Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Taraiya P.S. Case No. 287 of 2021 registered
for the offences punishable under Sections 30(A)/38/41 of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police on
a secret information that Mukesh Sahani (co-accused) had
brought liquor with the help of Chaukidar of Taraiya police
station, raided the place of occurrence and on search being made



altogether 1000 litres of illicit liquor from a boat was said to be recovered.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is neither named in the F.I.R. nor any recovery has been made from the conscious or constructive possession of the petitioner. It is further alleged that the name of the petitioner has surfaced on the confessional statement of co-accused Mukesh Sahani and he has already been granted bail by the court below itself vide order dated 24.05.2022. It is next submitted that another co-accused, namely, Yogendra Ram, has also been granted bail by a learned coordinate Bench of this Court in Cr. Misc. No. 65298 of 2021 vide order dated 09.05.2022. It is lastly submitted that the petitioner is in custody since 17.02.2022 having fair antecedent and moreover the investigation of the crime is already completed and the charge-sheet has been submitted in this case.

On the other hand, learned APP appearing on behalf of the State vehemently opposes the bail application and submits that huge recovery has been made from a boat and the co-accused persons has disclosed the name of this petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is neither named in the F.I.R. nor any incriminating



material has been recovered from the conscious/constructive possession of this petitioner and the petitioner is in custody since 17.02.2022 having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-II, Saran at Chapra in connection with Taraiya P.S. Case No. 287 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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