

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26716 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

=====

Sunil Paswan, Son of Baidhnath Paswan, Resident of Mohalla - Court Bazar,
In-front of Nutan Cinema Bank Colony, Ward No.- 16, P.S.- Sitamarhi,
District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 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 C-2 Case No. 119 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, total 111.6 litres of foreign liquor was recovered from a cart (thela) being pulled by the petitioner, who was apprehended from the spot.

The learned counsel for the petitioner submits that the



petitioner is innocent and became a victim of circumstances. He was not aware about the nature of goods he was asked to carry on his cart and he was innocently waiting for the person, who has hired him. Meanwhile he was apprehended by the police. So nothing incriminating has been recovered from his conscious possession and he has no concern with the allegedly recovered illicit liquor. The petitioner is in custody since 27.03.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has got no criminal antecedent and further considering the submission of charge-sheet, 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 Additional District Judge VII-cum- Special Excise Court No.-2, Sitamarhi in connection with C-2 Case No. 119 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be the close relative and another will be the deponent, who has sworn the



affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) 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)

balmukund/-

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

