

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39076 of 2021**

Arising Out of PS. Case No.-85 Year-2021 Thana- DALSINGHSARAI District- Samastipur

Bablu Kumar Paswan Son of - Tulsi Paswan Resident of Village- Panr, Ward
No. 8, P.S.- Dalsinghsarai, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Md. Mustaque Alam, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 27-01-2022 Heard.

The petitioner seeks regular bail in connection with Dalsinghwarai P.S. Case No. 85 of 2021, registered for the offence punishable under sections 272, 273 of the Indian Penal Code and sections 30(a), 32, 41(i)(iii) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding the police having received secret information that a vehicle was standing near the house of the co-accused persons namely Pravin Kumar and the miscreants were engaged in illicit trade of liquor, where-after the police force had conducted a raid at the alleged place of occurrence and 72.015 liters of illicit foreign liquor and 5 liters of country made liquor were recovered from the vehicle



in question as also from the motorcycle in question. Apparently, the petitioner and one other co-accused person were arrested from the spot, however, the rest of the miscreants had managed to flee away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 3.4.2021. The learned counsel for the petitioner has referred to paragraph No. 8 of the present petition to submit that neither the vehicle nor the motorcycle nor the illicit liquor belongs to the petitioner and the petitioner has been falsely implicated in the present case.

Per contra, Md. Mustaque Alam, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that the petitioner has categorically stated in the present petition that the vehicle/ motorcycle in question, from which the illicit liquor has been recovered, does not



belong to the petitioner, apart from the fact that the petitioner is having a clean antecedent and is languishing in custody since a long time, I deem it fit and proper to admit the petitioner to the privilege of regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Additional Sessions Judge II cum Special Judge Excise, Samastipur in connection with Dalsinghsarai P.S. Case No. 85 of 2021.

(Mohit Kumar Shah, J)

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