

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29718 of 2022

Arising Out of PS. Case No.-57 Year-2022 Thana- KANHHAULI District- Sitamarhi

Durga Paswan, Son of Ramekbal Paswan, Resident of Village - Sonaul
Mahoday, Ward no.14, P.s.- Majorganj, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Kanhauli P.S. Case No. 57 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, police received secret information about some persons coming from Nepal to India and on seeing the police party they started to run away leaving behind their belongings, bags from which 420 litres of Nepali country made liquor was recovered. On chase the petitioner was



apprehended, who disclosed the name of other co-accused.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and in fact no recovery of illicit liquor was made from the conscious possession of the petitioner. The petitioner himself disclosed the name of co-accused Ram Dayal and the seized liquor belongs to him and the petitioner had been given Rs. 900/- for carrying the same. Further there is no compliance of Section 100 of Cr.P.C. Charge-sheet has been submitted in this case and the petitioner is in custody since 15.04.2022. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner and further considering the submission of charge-sheet as well as the period of his custody, 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 Exclusive Special Excise Court No. 1, Sitamarhi, in connection with Kanhauli P.S. Case No. 57 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 a close relative of the petitioner.

(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)

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