

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42014 of 2021**

Arising Out of PS. Case No.-216 Year-2019 Thana- MAHUA District- Vaishali

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DHIRAJ KUMAR PASWAN @ DHIRAJ KUMAR Son of Umesh Paswan
Resident of Village- Belkunda Paswan Toli, P.S.- Mahua, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Rina Sinha

For the Opposite Party/s : Mr.Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-01-2022 Heard.

The petitioner seeks regular bail in connection with Mahua P.S. Case No. 216 of 2019, registered for the offence punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of huge quantity of illicit liquor from a truck and the persons apprehended from the spot had disclosed the name of the petitioner to be the person who had been called at the place of occurrence for the purposes of loading the illicit liquor, however, upon seeing the police, the petitioner is stated to have fled away.

The learned counsel for the petitioners has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 05.04.2021.



The learned counsel for the petitioner has further submitted that the petitioner is ready to abide by such conditions as may be deemed fit and proper to be imposed by the court for the purposes of grant of bail in the present case, considering the fact that he is an accused in three other cases for having committed similar type of offence.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for regular bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and he is admittedly neither the owner nor the driver of the truck in question, though I deem it fit and proper to grant the privilege of bail to the petitioner, however, subject to conditions that in case the petitioner is made an accused for the offence punishable under the Bihar Prohibition and Excise Act, 2016, henceforth, the present privilege of bail being granted to the petitioner shall stand cancelled automatically and he shall be taken into custody forthwith.

Accordingly, the petitioner, above named, is directed



to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum- Excise Court, Vaishali at Hajipur in connection with Mahua P.S. Case No. 216 of 2019, subject to the aforesaid conditions.

(Mohit Kumar Shah, J)

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