

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43943 of 2021

Arising Out of PS. Case No.-382 Year-2018 Thana- ROSERA District- Samastipur

MAHESH PASWAN, Son of late Julam Paswan @ Nageshwar Paswan,
Resident of Village - Gonwara, P.S.- Rosera, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md. Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Rosera P.S. Case No.382 of 2018 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 04.02.2021. The petitioner has got two criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story on 18.10.2018 informant got secret information that petitioner along with other co-accused was involved in storage of illicit liquor in the house of one Bauku paswan. It is alleged that on such information the informant



reached at the place of occurrence where all the accused persons on seeing the police party started fleeing away. On chase one person namely Bauku Paswan was apprehended and one person fled away taking advantage of the darkness. On interrogation the apprehended person disclosed the name of person who fled away as Mahesh Paswan (petitioner). It is further alleged that on search total 100 liters of illicit liquor was recovered from the house of Bauku Paswan.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the co-accused Bauku Paswan and the alleged illicit liquor was also recovered from the house of co-accused Bauku Paswan. It is submitted that the petitioner is in custody in connection with this case since 04.02.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the name of the petitioner has transpired in the confessional statement of the co-accused Bauku Paswan, the alleged illicit liquor was also recovered from the house of co-accused, save and except that



statement there is no other material against the petitioner, he has remained in custody in connection with this case since 04.02.2021, investigation against him is complete and his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Samastipur in connection with Rosera P.S. Case No.382 of 2018, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

