

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35654 of 2022

Arising Out of PS. Case No.-25 Year-2022 Thana- SOHSARAI District- Nalanda

1. DEVANAND PASWAN @ DEVNANDAN PASWAN SON OF RAMJI PASWAN RESIDENT OF MOHALLA- BARI PAHARI, P.S.- SOHSARAI, DISTRICT- NALANDA
2. AKASH PASWAN S/O- NOT GIVEN RESIDENT OF MOHALLA- BARI PAHARI, P.S.- SOHSARAI, DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 17-08-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Sohsarai P.S. Case No. 25 of 2022 registered for the offence under Sections 30(a), 33, 34 and 36 of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioners are named in the F.I.R. and are in custody since 01.02.2022.

The allegation against the petitioners is to be engaged in illegal trading/manufacturing of illicit liquor, where, there is recovery of 282 litres of country made liquor from the open area.

Learned counsel appearing on behalf of the petitioners



submitted that name of the petitioners surfaced on the basis of confessional statement of co-accused, namely, Karu Paswan. It is also submitted that recovery is made from the open area of the base point of the mountain, and as such it cannot be said to be recovered from conscious physical possession of the petitioners. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery was made from open place.

Considering the facts and circumstances as mentioned above, as the alleged recovery has not been made from the conscious physical possession of the petitioners coupled with the fact that charge-sheet has already been submitted, let both the petitioner, above named, are directed to be released on bail in connection with Sohsarai P.S. Case No. 25 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Court-1st, Biharsharif, Nalanda/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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