

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38911 of 2022

Arising Out of PS. Case No.-236 Year-2022 Thana- MADANPUR District- Aurangabad

Satendra Paswan Son Of Late Parikha Paswan R/O Village- Charaiya, P.S.-
Madanpur, Distt.- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Madanpur P.S. Case No. 236 of 2022 registered for the alleged offences under Sections 272, 273 and 304 of the Indian Penal Code and Sections 30(a) and 37 of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, police received secret information about the co-accused persons bringing and selling spurious liquor from their houses and one person has died after consuming the same and a raid was conducted and about 14 liters



of country made liquor was recovered from different house of the co-accused persons. The name of the petitioner transpired in the confessional statement of co-accused during investigation.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and no recovery has been made from him. The petitioner has been named in the confessional statement of co-accused which has got no legal sanctity. Except for confessional statement, there is no material against this petitioner during the whole investigation. Similarly placed co-accused Sakesh Kumar and Ajay Rikiyasan have been granted bail by a Coordinate Bench vide order dated 27.08.2022 passed in Cr. Misc. No. 38511 of 2022. Charge sheet has been submitted in this case and the petitioner is in custody since 22.05.2022. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the he sells spurious liquors and one person has died after consuming the same.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge sheet along with clean antecedent of the



petitioner, 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 Special Judge, Excise, I, Aurangabad in connection with Madanpur P.S. Case No. 236 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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