

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40270 of 2022

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

Vijay Paswan, Son of Charitar Paswan, Resident of Village - Charaiya, P.S. -
Madanpur, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Leelawati Kumari, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within 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, 304
of the Indian Penal Code and Sections 30 (a) & 37 of the Bihar
Prohibition and Excise Act.

As per prosecution case, police received secret
information about 3 FIR named co-accused persons bringing
spurious liquor and selling it from their houses and also the
information about the death of a person Sanjay Das, who
consumed the spurious liquor. A raid was conducted on the



houses of the FIR named accused persons and recovery of 14 litres of country made *Mahua* liquor was made from their houses. During investigation, the name of the petitioner came up as one of the co-accused, who also involved in this illicit trade of liquor.

Learned counsel for the petitioner submits that the petitioner has no concern with the co-accused persons or the liquor seized from their houses. These co-accused persons did not name this petitioner and did not make any allegation against him. The petitioner has further no concern with the deceased Sanjay Das and his sister has also not named this petitioner for being involved in his death. The learned counsel further submits that nothing incriminating has been recovered from conscious possession of the petitioner. The petitioner has been named by co-accused Sakesh Kumar in his confessional statement and the said co-accused has been granted bail vide order dated 27.08.2022 passed in Cr. Misc. No. 38511 of 2022 and another co-accused Ajay Rikiyasan has also been granted bail vide order dated 27.08.2022 passed in Cr. Misc. No. 3876 of 2022 by a Coordinate Bench of this Court. The charge sheet has been submitted and the petitioner is in custody since 23.05.2022 and is having clean antecedent.

Learned A.P.P. opposes the prayer for bail.

Having regard to the submissions made hereinabove 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 and the period of custody of the petitioner along with his clean antecedent, he 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 Special Judge, Excise-1, 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

U		T	
---	--	---	--

