

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49295 of 2021**

Arising Out of PS. Case No.-311 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

=====

DEEPAK PASWAN S/o Shankar Paswan Resident of Village- Teliya Pokhar,
P.S.- Town (Ratanpur O.P.), District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Adv.
For the Opposite Party/s : Mr.Syed Ehteshamuddin

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2022 Heard.

The petitioner seeks regular bail in connection with Mufassil P.S. Case No. 311 of 2021, G.R. No. 659 of 2021, registered for the offence punishable under sections 120(B) of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of 445.200 liters of illicit liquor from a septic tank attached to the tractor in question and the petitioner was arrested from the spot.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and is languishing in custody since 07.06.2021. The learned



counsel for the petitioner has further submitted that though the petitioner is an accused in three other cases of similar nature, but he is on bail in all the three cases. It is further submitted that a bare perusal of the seizure list would show that mandatory provisions contained in Section 100 of the Cr. P.C. have not been complied with. Nonetheless, it is submitted that the petitioner be granted bail subject to such conditions as may be deemed fit and proper to be imposed by this Court.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the parties and taking into account the materials available on record as also considering the fact that the petitioner is languishing in custody since 07.06.2021 and it has been stated in paragraph no. 9 of the present petition that the petitioner is having no concern either with the tractor or the septic tank in question, though, I deem it fit and proper to admit the petitioner to the privilege of regular bail, but subject to the condition that in case he is implicated in similar type of case under the provisions of the Bihar



Prohibition & Excise Act, 2016 henceforth, the present privilege of bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

Accordingly, the petitioner, above named is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court of Additional Sessions Judge-II cum Special Judge, Excise Act, Begusarai in connection with Mufassil P.S. Case No. 311 of 2021, G.R. No. 659 of 2021, subject to the aforesaid additional condition.

(Mohit Kumar Shah, J)

Tiwary/-

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

