

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51374 of 2021

Arising Out of PS. Case No.-109 Year-2021 Thana- BARUN District- Aurangabad

SHAMBHU PASWAN Son of Suryadev Paswan Resident of Village-
Pachmo, P.S.- Dhibra, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Barun P.S. Case No. 109 of 2021 for the offence registered
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The allegation is regarding recovery of 270 litres of
illicit liquor from a tempo.

The learned counsel for the petitioner has submitted
that the petitioner is innocent, has been falsely implicated in the
present case, is having a clean antecedent and he is languishing
in custody since 06.05.2021. The learned counsel for the
petitioner has referred to paragraph nos. 8 to 10 of the present
petition to submit that neither the petitioner is owner of the



tempo nor that of the illicit liquor and he was merely sitting in the tempo as a passenger.

Per contra, the learned counsel 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 learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is stated to be merely a passenger in the said tempo and he is not stated to be the owner of the tempo as also he is languishing in custody since a long time and is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner herein on regular bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge (Excise), Aurangabad in connection with Barun P.S. Case No. 109 of 2021.

(Mohit Kumar Shah, J)

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