

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42506 of 2022

Arising Out of PS. Case No.-712 Year-2021 Thana- KANTI District- Muzaffarpur

Rajkishore Paswan @ Guddu Paswan Son of Late Harifan Paswan Resident
of village - Sirsiya, P.S.- Kanti, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-09-2022 Heard learned counsel appearing on behalf of the
petitioner 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 petitioner seeks bail in connection with Kanti
P.S. Case No. 712 of 2021 registered for the offence under
Sections 272 and 273 of the Indian Penal Code and sections 47,
30(a), 30(c), 34, 36 and 37(d) of the Bihar Prohibition and
Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 10.02.2022.

The allegation against the petitioner is to involve in
trade/business of spurious liquor, where, there was recovery of
100 ml of spurious liquor from the house.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of spurious liquor was made from jointly occupied house and as such it cannot be said that said spurious liquor was made from conscious physical possession of this petitioner. It is further submitted that quantity of spurious liquor recovered in present case, in itself is evident of the fact that petitioner was not involved in any commercial/trading activities of spurious liquor rather, it may use maximum for self-consumption. It is also submitted that the alleged spurious liquor was never sent to FSL for its chemical examination. While concluding the argument, it has been submitted that investigation of this case is complete, where charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged spurious liquor is not appears recovered from conscious physical possession of this petitioner, where charge sheet has been submitted without obtaining FSL report, let the petitioner, above named, is directed to be released on bail in connection with Kanti P.S. Case No. 712 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with



two sureties of the like amount each to the satisfaction of
learned Special Judge Excise Court No. II,
Muzaffarpur/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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