

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44168 of 2022

Arising Out of PS. Case No.-330 Year-2021 Thana- PARSABAZAR District- Patna

Bhutali Paswan @ Krishna Paswan Son of Late Sudeshwar Paswan @
Sideswar Paswan @ Sadeshwar Paswan Resident of village- Simra, P.S-
parsa Bazar, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sadanand Paswan, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-09-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

At the outset, learned counsel for the petitioner
submitted that, at page no.6 of the bail petition, in the prayer
portion, inadvertently, police station case number has been
wrongly typed as ‘Parsa Bazar P.S. Case No. 335 of 2021’
instead of ‘Parsa Bazar P.S. Case No. 330 of 2021’.

Accordingly, learned counsel for the petitioner is
permitted to make necessary correction, during the course of the
day itself.

The petitioner seeks bail in connection with Parsa
Bazar P.S. Case No. 330 of 2021 registered for the offence



under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 06.05.2022.

The allegation against the petitioner is to have in possession of 10 liters of Mahua wine.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from the cow shed, which is accessible by general public, as such, it cannot be said to be recovered from the conscious physical possession of the petitioner. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as recovery of illicit liquor cannot be said to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Parsa Bazar P.S. Case No. 330 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, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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