

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44508 of 2022

Arising Out of PS. Case No.-72 Year-2022 Thana- KANHAULI District- Sitamarhi

Sikandar Paswan @ Sikindar Paswan, S/o Mahendar Paswan, R/o village-
Mubarakpur @ Mubarikpur Ward No. 14, P.S.- Majorganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kanhauli P.S. Case No. 72 of 2022 registered
for the alleged offences under Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, recovery of 510 litres of
Nepali country made liquor was made from the borders of India
and Nepal being carried by the petitioner and other co-accused
persons. The petitioner was apprehended from the spot.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this



case. Petitioner was not carrying anything and he was arrested by the police merely on suspicion. Nothing incriminating has been recovered from his conscious possession and he has no concern with the allegedly recovered illicit liquor. Learned counsel further submits that the petitioner was returning from Nepal after attending a marriage ceremony and he was apprehended on suspicion by the police and falsely implicated in this case. The petitioner is in custody since 27.04.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named 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 Judge Exclusive Special Excise Court No.1, Sitamarhi in connection with Kanhauli P.S. Case No. 72 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.

(Arun Kumar Jha, J)

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