

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43798 of 2022**

Arising Out of PS. Case No.-390 Year-2021 Thana- RAFIGANJ District- Aurangabad

Biran Paswan S/O Bharat Paswan, Resident of village- Baur, P.S.- Rafiganj,
District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

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

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Rafiganj P.S. Case No. 390 of 2021 registered
for the alleged offences under Section 30 (a) of the Bihar
Prohibition and Excise Act.

Allegedly, 538.2 litres of Nepali country made liquor,
70 liters of spirit, 8480 pieces of stickers and empty bottles
used in the liquor business were recovered from a field of
the petitioner and 4.5 liters of country made liquor was
recovered from the dicky of the motorcycle parked near his



house.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner is in custody since 05.07.2022.

Learned A.P.P. opposes the prayer for bail made on behalf of the petitioner submitting that the petitioner is a habitual offender.

Having regard to the submissions made on behalf of the petitioner and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from his possession and further considering the period of custody of the petitioner, he 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, Excise Court-1, Aurangabad, in connection with Rafiganj P.S. Case No. 390 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not



already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) 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)

V.K.Pandey/-

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