

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56236 of 2021**

Arising Out of PS. Case No.-242 Year-2020 Thana- GAIGHAT District- Muzaffarpur

Rambabu Paswan, S/O Sukho Paswan @ Suresh Paswan, R/o village- Sadha Kanta Malahi Tola @ Kanta Malahi Tola, P.S.- Gaighat, (O.P. Benibad), Distt.- Muzaffarpur (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 06-04-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Gaighat P.S. Case No. 242 of 2020 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a)/41(i) of the Bihar Prohibition and Excise Act. He is in custody since 20.07.2021 having two criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that when he got secret information that in the house of



Gonour Paswan foreign liquor has been kept, thereafter he reached with police force at Kanta Malahi Tola at the house of Gonour Paswan. The informant further alleged that on seeing police force three persons succeeded to flee away and on search of the house of Gonour Paswan total 255.300 liters foreign liquor were recovered.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. The petitioner was not arrested at the spot and nothing incriminating article has been recovered from the possession of the petitioner. The alleged recovery has been shown in the house of Gonour Paswan.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the illicit liquors were recovered from the house of Gonour Paswan and not from this petitioner, he has remained in custody in connection with this case since 20.07.2021, investigation against him is complete and his presence may be secured in course of trial, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the



satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Gaighat P.S. Case No. 242 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

