

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55271 of 2021

Arising Out of PS. Case No.-147 Year-2021 Thana- BACHHWARA District- Begusarai

1. BISHESHWAR PASWAN @ VISHESHWAR PASWAN SON OF RAMKARAN PASWAN R/O VILLAGE- CHAMTHA NUMBER, WARD NO.2 GOP TOL, P.S.- BACHHWARA, DISTRICT- BEGUSARAI
2. JAGDISH PASWAN SON OF LATE RAMRAJI PASWAN R/O VILLAGE- CHAMTHA NUMBER, WARD NO.2 GOP TOL, P.S.- BACHHWARA, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60708 of 2021

Arising Out of PS. Case No.-147 Year-2021 Thana- BACHHWARA District- Begusarai

UDAY PASWAN Son of Shekha Paswan @ Shekho Paswan Resident of Village - Chamtha Number, Bandhkatwa, Bandhpur, P.S. - Bachhwara, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 55271 of 2021)

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

(In CRIMINAL MISCELLANEOUS No. 60708 of 2021)

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 05-04-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 188 and 120B of the Indian Penal Code and sections 30(a)(d) and 36 of



the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, on search of the two motorcycles being driven by Bisheshwar Paswan and Jagdish Paswan, it is stated that a total of 260 litres of liquor was recovered. Further on enquiry they disclosed the names of the other accused persons including accused Uday Paswan (also petitioner herein) to be involved in the business of liquor.

It is submitted by learned counsel for the petitioners that the petitioners have been falsely implicated in the case. No incriminating article has been recovered from the possession of either Bisheshwar Paswan or Jagdish Paswan. They are in custody since 10.7.2021 and Jagdish Paswan has no criminal antecedent. With respect to Uday Paswan it is submitted that from the FIR itself it would transpire that neither he was arrested at the spot nor any incriminating article has been recovered from his possession. The only material against him is the statement of the coaccused made before the police. He is in custody since 9.8.2021.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the contents of the FIR together with Bisheshwar Paswan having been caught along with the seized liquor and having



an antecedent under the Bihar Prohibition and Excise Act, 2016, the Court is not inclined to enlarge him on bail and the application is rejected.

Liberty is granted to the petitioner Bisheshwar Paswan to renew his prayer for bail on completing one year in custody.

In view of the facts and circumstances of the case including the petitioner Jagdish Paswan not having any criminal antecedent and the petitioner Uday Paswan although having criminal antecedent under the Bihar Prohibition and Excise Act but not having been caught at the spot, the Court directs both these two petitioners to be enlarged on bail in connection with Bachhwara P.S. Case no. 147 of 2021 on each of them furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Begusarai.

(Partha Sarthy, J)

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