

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46630 of 2022**

Arising Out of PS. Case No.-144 Year-2022 Thana- HASPURA District- Aurangabad

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Mahendra Paswan Son of Lalkeshwar Paswan R/O Village- Chanhath Tole-
Ishwarbigha, P.S.- Haspura, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 14-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Haspura
P.S. Case No. 144 of 2022 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 28.05.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there
was recovery of 39.8 litres of IMFL/country made liquor.



Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor was made from '**Tarbana**' area outside of the village, which is an open place, accessible by general public, as such, it cannot be said that recovery was made from the conscious physical possession of the petitioner, who is a man of clean antecedent. It is further submitted that seizure list is disputed, as same is not supported by independent witnesses rather by home-guard personnel. While concluding the argument, it has been submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as seizure list is disputed, where recovery of illicit liquor was made from open place, petitioner is a man of clean antecedent coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Haspura P.S. Case No. 144 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge-II-



cum-Special Judge, Excise, Aurangabad/concerned court,
subject to the conditions as mentioned under Section 437(3) of
the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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