

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49663 of 2022

Arising Out of PS. Case No.-736 Year-2022 Thana- FORBESGANJ District- Araria

Umesh Paswan, Son of Late Domi Paswan R/O Village- Jimrahi, Ward No.-2,
P.S.- Narpatganj, District- Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Choubey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Forbesganj P.S. Case No. 736 of 2022
registered for the alleged offences under Sections 30 (a) of the
Bihar Prohibition Act and Excise Act, 2016.

As per prosecution case, recovery of total 55 litres of
Nepali country made liquor along with six litres of beer was
made from the bag which were being carried by the petitioner
and co-accused Tuntun Paswan. The petitioner was apprehended
from the spot.

The learned counsel for the petitioner submits that the



petitioner has been falsely implicated in this case and he has no concern either with the motorcycle or with the allegedly seized liquor. The petitioner is not the owner of the motorcycle and he was only riding the motorcycle and nothing incriminating has been recovered from his conscious possession. Whatever recovery has been shows it is from the other person who fled away. The petitioner is in custody since 15.07.2022 and the charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering his period of custody along with the 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 Exclusive Special Judge Excise-I, Araria in connection with Forbesganj P.S. Case No. 736 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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