

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59855 of 2021

Arising Out of PS. Case No.-105 Year-2021 Thana- HASANPUR District- Samastipur

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Ashok Paswan S/O Shiv Narayan Paswan R/O Village-Birpur, P.S.- Hasanpur,
District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-06-2022 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 Hasanpur
P.S. Case No. 105 of 2021 registered for the offence under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.05.2021.

The allegation against the petitioner is to have in
possession of 35.350 liters of illicit country made liquor.

Learned counsel appearing on behalf of the petitioner
submitted that the recovery of alleged illicit liquor is from the
house of the petitioner, which is jointly occupied by other



family members and as such it cannot be said that the same has been recovered from conscious physical possession of the petitioner. It has further been submitted that petitioner is a man of clean antecedent and chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances as mentioned above, as the recovery of the alleged illicit liquor is not from the conscious physical possession of the petitioner, let the petitioner, above named, is directed to be released on bail in connection with Hasanpur P.S. Case No. 105 of 2021 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 Judge-II-cum-Special Judge, Samastipur, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be



allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Ranveer Kumar, who is the brother-in-law of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

Ankit/-

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