

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50446 of 2022

Arising Out of PS. Case No.-18 Year-2021 Thana- SASARAM NAGAR District- Rohtas

Vindhyachal Paswan, S/o Prithvi Paswan, Resident of village- Barki
Karparwa, P.S.- Darigaow, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikalp, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, 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), if any, 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 Sasaram (T) P.S. Case No. 18 of 2021
registered for the alleged offences under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, recovery of 25 liters of
country made *mahua* liquor was made and two co-accused
persons were apprehended. The co-accused Rahul Kumar
disclosed the name of the petitioner for being involved in selling
the liquor.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner was not apprehended from the spot and nothing incrimination has been recovered from his conscious possession. The petitioner is not even present at the time of occurrence. Nothing material has come up on record to show the conscious possession of the petitioner about the liquor seized. The name of the petitioner came up in the confessional statement of co-accused and apart from that there is nothing against the petitioner. The petitioner is in custody since 22.04.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedents and is accused in three such cases.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge-sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I, Excise Act, Sasaram in connection with Sasaram (T)



P.S. Case No. 18 of 2021, 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 for 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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