

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54432 of 2022

Arising Out of PS. Case No.-205 Year-2022 Thana- MURLIGANJ District- Madhepura

Sanoj Paswan S/o Late Gokul Paswan @ Gaukhul Paswan, Resident of
Village- Rahta Ward No. 10, P.S.- Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 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.

Learned counsel for the petitioner submits that there is
typing error in the name of the police station in the prayer
portion of the petition hence, he seeks permission to correct the
same in course of the day.

Permission is accorded.

In the present case, the petitioner seeks bail in
connection with Excise Act No. 218 of 2022 arising out of
Murliganj P.S. Case No. 205 of 2022 registered for the alleged
offences under Section 30(a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.



As per prosecution case, recovery of about 50 liters of India made foreign liquor was made from the dickey of a car. From which the petitioner who is stated to be the driver has been apprehended along with other co-accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no recovery from the conscious possession of the petitioner rather it is from the dickey of the car. The petitioner has no knowledge about the illicit liquor kept in the dickey of the car. The petitioner is in custody since 02.05.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent.

Having regard to the facts and circumstances and submissions made on behalf of the parties and 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 Additional Sessions Judge-V-cum-Special Judge, Excise- 1st, Madhepura in connection with Excise Act 218 of 2022 arising out of Murliganj P.S. Case No. 205 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 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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