

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51998 of 2022**

Arising Out of PS. Case No.-325 Year-2022 Thana- NARPATGANJ District- Araria

Surendra Kumar Paswan, S/o Bindi Paswan @ Bindeshwari Paswan R/o village- Basmatiya, Ward No. 05, P.S.- Narpatganj (Basmatiya), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr. Abhijeet Gautam, Advocate |
| For the State        | : | Mr. Ajay Kumar Jha, APP       |
| For the SSB          | : | Mr. Manoj Kumar Singh, CGC    |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      19-12-2022                      Heard learned counsel for the petitioner and learned  
APP for the State.

In the present case, the petitioner seeks bail in connection with Narpatganj (Basmatiya) P.S. Case No. 325 of 2022 registered for the alleged offences under Section 30 (A) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the petitioner was found coming from the side of Nepal border to India on a motorcycle and he was intercepted with his motorcycle and from his motorcycle, total 72.900 litres of country made Nepali liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Nothing incriminating has been recovered from his conscious possession. The motorcycle allegedly being driven by this petitioner does not belong to him. The petitioner is in custody since 17.07.2022 and charge sheet has been submitted. The petitioner has got no criminal history.

Learned APP opposes the prayer for bail submitting that petitioner was caught red-handed carrying 72.900 litres of Nepali liquor.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and 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-1, Araria in connection with Narpatganj (Basmatiya) P.S. Case No. 325 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)**

Rajnish/-

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