

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 63373 of 2021**

Arising Out of PS. Case No.-295 Year-2020 Thana- BARAUNI District- Begusarai

PAWAN KUMAR S/o Rajendra Sharma Resident of Village - Noorpur, P.S. -
Barauni (Refinery O.P.), District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Arjun Prasad, Advocate

For the Opposite Party/s : Ms Sangeeta Sharma, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Barauni Police Station (for
brevity, *PS*) Case No 295 of 2020 registered for the offence
punishable under Section 30 (a) of Bihar Prohibition and Excise
(Amendment) Act, 2018.

43.125 liters of illicit liquor has been recovered from
the house of one Sushil Paswan who has stated that he
purchased the same from the petitioner, one Basant Kumar and
Murari Kumar, leading to the petitioner's implication in the
instant case.

Learned counsel for the petitioner submits that



implication is false and alleged to be based on statement of co-accused Sushil Paswan, which has no legal sanctity. He has surrendered in the Court below on 17.09.2021 and since then continues to be in custody. Investigation is complete. He is already on bail in the two cases of similar nature, pending against him since before.

The learned APP has opposed the prayer for bail.

Considering the rival submissions, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise Act, Begusarai in Barauni PS Case No 295 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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