

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63471 of 2021

Arising Out of PS. Case No.-185 Year-2021 Thana- BAHERA District- Darbhanga

SUSHIL PASWAN S/o Chhotelal Paswan Resident of Village- Mashina
Kothi, P.S.- Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-04-2022 Heard.

The petitioner seeks regular bail in connection with Bahera P.S. Case No. 185 of 2021 for the offence punishable under Sections 30(a) of the Bihar Prohibition & Excise Act, 2016.

The allegation is regarding recovery of 2637.08 of the illicit liquor from a truck and the petitioner is stated to have been arrested from the spot while two persons had managed to flee away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 05.09.2021. The learned counsel for the petitioner has referred to paragraph No. 8 of the present petition to submit that the petitioner is neither the owner nor the driver of the truck in question and he was merely a passerby through the alleged



place of occurrence when the police had apprehended and has falsely implicated him in the present case.

Per contra, the learned APP appearing for the State has vehemently opposed the prayer for regular bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner has categorically stated in the present petition that the petitioner is neither the driver nor the owner of the truck in question apart from the fact that he is having a clean antecedent and is languishing in custody since more than six months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum- Special Judge (Excise Act), Darbhanga in connection with Bahera P.S. Case No. 185 of 2021.

(Mohit Kumar Shah, J)

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