

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63772 of 2021

Arising Out of PS. Case No.-470 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

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MOHAN PASWAN S/o Vinod Paswan Resident of Village- Dumarbana, P.S.-
Bairgania, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Case
No. C2 470 of 2020 registered for the offence punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The allegation, as per the First Information Report, is
that the Excise Official arrested the petitioner along other co-
accused person and recovered a total quantity of 154.500 of
illicit Nepauli Saufi kept in four sacks.

Learned counsel for the petitioner submits that the
petitioner has not committed any offence in the manner alleged
and he has falsely been implicated in this case with oblique
motive. Learned counsel further submits that as per the hand



written confessional statement of the petitioner and other accused persons before the Police, only 78 litres of Nepali Saufi has been recovered. He next submits that the place from where the illicit Nepali Saufi has been recovered is not mentioned in the Seizure list by the Excise Officials. The petitioner is in custody since 30.12.2020 and he has got no criminal antecedent.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that illicit liquor has not been recovered from the conscious possession of the petitioner and the petitioner is in custody since 30.12.2020 having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge cum Special Judge, Excise Act, Sitamarhi, in connection with C2 Case No. 470 of 2020.

(Anil Kumar Sinha, J)

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