

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59448 of 2022

Arising Out of PS. Case No.-216 Year-2020 Thana- GORAUL District- Vaishali

Virchandra Paswan @ Virchandra Kumar Son of Shiv Narayan Paswan
Resident of Village - Bakhri Dua, P.s.- Goraul (Kathara OP), Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Goraul
(Kathara O.P.) P.S. Case No. 216 of 2020 registered for the
offence under Sections 30(a) of the Bihar Prohibition and Excise
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 21.07.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 1053 litres of IMFL/country made liquor from the
alleged hut.



Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor was made from a hut, which is not connected in any manner with this petitioner and merely on the ground of suspicion, as raised by local chaukidar/persons, without having any connecting evidence, the petitioner has been falsely implicated in present case. It is further pointed out that the seizure list appears doubtful in present case, having not supported by independent witnesses, rather by police personnels. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from conscious physical possession of this petitioner, in the background of doubtful seizure list coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Goraul (Kathara O.P.) P.S. Case No. 216 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Court of Exclusive Special Excise-I-cum-Additional District and Sessions Judge, Vaishali at Hajipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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