

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.56741 of 2022**

Arising Out of PS. Case No.-196 Year-2022 Thana- RAJAPAKAR District- Vaishali

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Eknath Paswan Son of Late Lagan Paswan R/O Village- Dayalpur, P.S.-  
Rajapakar (Barati O.P.), Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anil Kumar, Advocate  
For the State : Mr. Tapeswar Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      15-11-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP 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 Rajapakar  
(Barati O.P.) P.S. Case No. 196 of 2022 registered for the  
offence under Section 30(a) of the Bihar Prohibition and Excise  
Act.

The accused/petitioner is named in the F.I.R. and is in  
custody since 13.06.2022.

The allegation against the petitioner is to be involved  
in illegal business of illicit liquor, where 20 liters of country



made wine was recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit wine was made from the house of the petitioner, which is jointly occupied by other family members and, as such, it can be safely gathered that recovery of illicit wine was not made from the conscious physical possession of the petitioner. It is further submitted that compliance of Section 100(4) of the Cr.P.C. was not made in the present case while searching the house/premises. It is pointed out that petitioner is involved in three more cases of similar nature, in which he is on bail. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances. as mentioned above, as recovery not appears to be made from the conscious physical possession of the petitioner coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Rajapakar (Barati O.P.) P.S. Case No. 196 of 2022 on furnishing



bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Special Excise Court-II, Vaishali at Hajipur/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

**(Chandra Shekhar Jha, J)**

Ankit/-

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