

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67851 of 2021**

Arising Out of PS. Case No.-316 Year-2021 Thana- WARISLIGANJ District- Nawada

Sarjan @ Shyam Paswan, S/o Late Hari Paswan, R/o village- Rasanpur, P.S.-
Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 02-06-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Warisaliganj P.S. Case No.316 of 2021 registered for the offence punishable under Section 30(a)/41 of the Bihar Prohibition and Excise Act, 2016

38 litres country made liquor has been recovered from the petitioner's possession and it is alleged that other person who was with the co-accused has fled away. Petitioner has been named as being the person who fled away.

Petitioner's counsel submits that the implication of the petitioner in five cases earlier forms the basis of his false implication in the instant case. It is submitted that the petitioner has been acquitted in three out of five cases instituted against



him earlier and is on bail in two other cases, as per detail mentioned in paragraph 3 of the bail application. Even as per prosecution case, there is no recovery from the petitioner and he is in custody since 6.8.2021. It is also submitted that the investigation is complete.

Learned APP for the State has opposed the prayer for bail by submitting that there are five cases against the petitioner prior to the instant case.

Considering the rival submissions, the fact that the prosecution does not attribute any recovery from the petitioner's possession, his period of custody and completion of investigation, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-II-cum-Special Judge Nawada, in connection with Warisaliganj P.S. Case No.316 of 2021, 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.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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