

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59827 of 2022

Arising Out of PS. Case No.-382 Year-2022 Thana- NARPATGANJ District- Araria

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Dharmendra Paswan @ Dharmendra Kumar Paswan Son of Shyamdeo Paswan Resident of Village - Basmatiya Ward No.- 5, P.S. - Basmatiya O.P. Narpatganj, District – Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner : Mr. Nawaz Shareef, Advocate
For the State : Mr. Pramod Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Narpatganj (Basmatia) P.S. Case No. 382 of 2022 registered for the offence under Sections 372 and 273 of Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in custody since 22.08.2022.

The allegation against the petitioner is to be engaged



in illegal trade of illicit liquor, where, there was recovery of 126 litres of illicit IMFL/country made liquor.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from the cycle, which is not connected in any manner with this petitioner, and as such, it cannot be said that recovery of alleged illicit liquor was made from conscious physical possession of the petitioner. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

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

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner 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 Narpatganj (Basmatia) P.S. Case No. 382 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction II Exclusive Special Judge, Excise-I-



Araria/concerned court, subject to the conditions as mentioned
under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

S.Tripathi/-

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