

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2135 of 2023

Arising Out of PS. Case No.-59 Year-2022 Thana- KARAMCHAT District- Kaimur (Bhabua)

Sudama Paswan, Son Of Updar Paswan, R/O Village- Sabar, P.S.- Karamchat,
District- Kaimur At Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Karamchat P.S. Case No. 59 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, police received secret information about petitioner selling illicit *mahua* liquor in front of his house. A raid was conducted and the petitioner was found selling the illicit liquor in front of his house. He was apprehended and 33 liters of country made *mahua* liquor was recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this



case. No recovery has been made from the possession of this petitioner or from his house. It is apparent from the FIR, that the recovery has been made from in front of the house of the petitioner, but he was falsely implicated at the instance of local *Chowkidar*. There is non-compliance of Section 100 of Cr.P.C. at the time of preparation of the seizure list. Charge sheet has been submitted in this case and the petitioner is in custody since 14.11.2022.

5. Learned A.P.P. for the State opposes the prayer for bail submitting that petitioner is accused in two other cases of similar nature.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of this petitioner and further considering the submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge-VII-cum-Special Judge Excise-II, Kaimur at Bhabhua in connection with Karamchat P.S. Case No. 59 of 2022, subject to the conditions



mentioned in Section 437(3) of the Code of Criminal Procedure
and also the following conditions:

(i) One of the bailors will be a close
relative of the petitioner.

(ii) The petitioner will remain present
on each and every date fixed by the
court below.

(iii) In case of absence on three
consecutive dates or in violation of the
terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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