

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13525 of 2023

Arising Out of PS. Case No.-1321 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

=====

Ganesh Paswan S/O Sri Shivnath Bhagat @ Shiv Nath Bhagat R/v- Jadua,
Baagtola, P.S.- Town, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance:

For the Petitioner/s : Mr. Akshansh Ankit, Advocate

For the Opposite Party/s : Mr. Asha Devi, APP

=====

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 05-05-2023 1. Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
2. Heard learned counsel for the petitioner and the learned APP for the State.
3. Petitioner seeks regular bail in connection with Excise (Patna) P.S. Case No. 1321 of 2022 dated 19.12.2022 registered for the offence punishable under Sections 30(a) and 56(b) of Bihar Prohibition and Excise Act.
4. The main submissions advanced by learned counsel for petitioner are that the petitioner is a driver of a *tempo* and he used to run the same as a passenger vehicle and on the alleged date of occurrence one person namely, Pappu Chaudhary hired the petitioner's *tempo* to carry 10 gallons containing 300 litres of illicit

tari, regarding which the petitioner had no knowledge and he simply took the said articles at the direction of said passenger and he was bonafidely performing his duty and the said passenger was also arrested at the spot. Further submissions are that no sample was taken from the alleged article which is stated to have been recovered from the petitioner's possession and petitioner has fair and clean antecedent and he is the sole bread earner of his family and he has been languishing in jail since 20.12.2022 and against him the investigation has been completed.

5. Learned APP for the State has opposed the bail prayer of the petitioner.

6. Considering the above submissions and mainly the petitioner's fair and clean antecedent and his defence, profession as well as his custody period, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Excise (Patna) P.S. Case No. 1321 of 2022.

(Shailendra Singh, J)

Shahnawaz/-

U		T	
---	--	---	--