

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21679 of 2022

Arising Out of PS. Case No.-245 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

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Indal Paswan, Son of Late Baliram Paswan, Resident of Village -
Makdumpur, P.S.- Islampur, Distt.- Nalanda, Present address by direction of
Court front of Sugar Mill on Canal (Nahar) Harkhuua, P.S. and Distt.-
Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No.1, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 23-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Gopalganj Town P.S. Case No.245 of 2021 registered for the
offence punishable under Section 30(7) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

The petitioner has allegedly been apprehended by the
informant after he had taken some money out of the informant's
pocket. It is alleged that the petitioner was also in an inebriated
condition.

Learned counsel for the petitioner submits that it is a
case of mistaken identity. The petitioner has been implicated by



the informant under mistake. Petitioner has no antecedents and is in custody since 06.04.2021. In fact, the money alleged to have been recovered from the petitioner, was in his *bona fide* possession.

Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, submissions advanced by the parties, period of custody, and the fact that investigation is complete, 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.

Accordingly, 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 ADJ-II cum Special Excise Judge Court No.1, Gopalganj, in connection with Gopalganj Town P.S. Case No.245 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.

(Madhuresh Prasad, J)

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