

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22465 of 2023

Arising Out of PS. Case No.-19 Year-2022 Thana- SURSAND District- Sitamarhi

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Ajit Kumar @ Ajit Paswan Son of Sri Feku Paswan, R/V- Banauli, P.O.- Hari
Dularpur PS- Sursand Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 11-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sursand P.S. Case No. 19 of 2022 dated 09.01.2022 registered
for the offence punishable under Section 30 (a) of Bihar
Prohibition and Excise Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the instant matter relates to the
recovery of 70.8 litres of Nepali saufi wine and the same is
stated to have been recovered from the straw pile (*pual*) of one
namely, Chunchun Ojha who is co-villager of this petitioner but
in actual the petitioner has no concern with the said place of
recovery and he was arrested in the present matter eleven
months after the recovery of the alleged wine and he has been



made accused merely on the basis of suspicion and he has been implicated in this case due to dirty village politics and at the time of recovery the villagers who gathered at the place of recovery disclosed the name of this petitioner and co-accused persons and according to them the said accused persons managed to escape and moreover the petitioner has been languishing in jail since 03.12.2022 and against him the investigation has been completed and similarly situated one co-accused namely, Guddu Kumar has been granted bail by a co-ordinate Bench of this court vide order passed in Cr. Misc. No. 39399 of 2022. Further submissions are that against the petitioner there are criminal antecedents of three cases, out of which two are of different nature of offences of Indian Penal Code and one has been lodged under the Excise Act in which the petitioner has been remanded recently and in the present matter against the petitioner the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the completion of investigation against this petitioner and also the facts that the petitioner was not apprehended at the spot of



recovery and his name was disclosed by the villagers who gathered at the place of recovery and one similarly situated co-accused mentioned above is on bail, in the opinion of this court, the petitioner deserves to a lenient approach of this court. Accordingly, let the petitioner be released on bail in connection with Sursand P.S. Case No. 19 of 2022 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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