

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35786 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- TAJPUR District- Samastipur

Gurudeo Paswan son of Chandradev Paswan Village- Barahgama Ps-
Khanpur Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 06-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Tajpur
P.S. Case No. 53 of 2023 registered for the offence under
Sections 120-B, 420, 419, 467 and 468 of the Indian Penal Code
and under Sections 30(c), 30(d), 30(g), 32 and 41 of the Bihar
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 12.04.2023.

The allegation against the petitioner is to involve in
illegal trading of illicit liquor, where total of 1909 empty liquor
bottles alleged to be recovered from the house of co-accused,



namely, Md. Chand.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused Md. Chand, where nothing incriminating appears against this petitioner as to connect him with alleged illegal trading of illicit liquor. It is submitted that bottles, which may alleged to be recovered from the house of co-accused Md. Chand, was empty and, as such, Excise Act is of no implication. While concluding the argument, it has been submitted that petitioner found involved in five more criminal cases, where he is on bail and for said suspicion arises out of these criminal antecedents, petitioner implicated with present case without having any connecting material and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of the fact as no incriminating material appears to be recovered from the possession of this petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 12.04.2023, accordingly,



above named petitioner is directed to be released on bail in connection with Tajpur P.S. Case No. 53 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court-2, Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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