

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37111 of 2023

Arising Out of PS. Case No.-66 Year-2023 Thana- KANHHAULI District- Sitamarhi

MANJAY PASWAN Son of Yogendra Paswan Resident of village -
Parshurampur, P.S. - Parsauni, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with
Kanhauri P.S. Case No. 66 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 27 litres Nepali liquor from the motorcycle in question
and petitioner is apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 14.04.2023 and bears criminal
antecedent of eight cases out of which one case is of
similar nature. He further submits that nothing has been



recovered from conscious possession of the petitioner. The motorcycle does not belong to the petitioner. Petitioner is innocent and has committed no offence as alleged in the F.I.R.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Exclusive Special Excise Court – I, Sitamarhi in connection with Kanhauli P.S Case No. 66 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two



consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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