

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37120 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- SAHARGHAT District- Madhubani

SHANKAR PASWAN Son of Ganesh Paswan Resident of village -
Shivnagar, P.s - Benipatti, Distt - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Parmanand Prasad

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 in virtual court proceeding.

The petitioner seeks bail in connection with
Saharghat P.S. Case No. 27 of 2023 registered for the
offences punishable under Sections 272, 273, 414/34 of the
I.P.C. and Section 30(a) of the Bihar Prohibition and Excise
Act.

As per prosecution case, there is alleged recovery
of 270 litres illicit liquor from the tempo and motorcycle in
question and petitioner is apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 05.03.2023 and bears no
criminal antecedent. He further submits that nothing has been
recovered from conscious possession of the petitioner. The



vehicles in question do not belong to the petitioner. Petitioner is innocent and has committed no offence as alleged in the F.I.R. There is no compliance of Section 100 of the Cr.P.C.

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, keeping in view clean antecedent of petitioner, 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. II cum Special Judge, Excise Act Madhubani, in connection with Saharghat P.S Case No. 27 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)

Nitin/Amit

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

