

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48889 of 2023**

Arising Out of PS. Case No.-320 Year-2023 Thana- CHANDAUTI District- Gaya

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Bigan Paswan S/O Shambhu Paswan R/O Village- Katari, Ps. Chandauti,
Dist. Gaya (BIHAR).

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 10-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with
Chandauti P.S. Case No. 320 of 2023 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2018.

4. The accused/petitioner is named in the F.I.R. and is
in custody since 31.05.2023.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 18 litres of IMFL/country made liquor from
the house of petitioner.



6. Learned counsel appearing on behalf of the petitioner submitted that the recovery of alleged illicit liquor was made from jointly occupied house of this petitioner, and as such it can be safely said that recovery of illicit liquor was not made from the conscious physical possession of this petitioner. It is further submitted that the compliance of Section 100(4) of Cr.P.C. was not appears to be followed in present case regarding search of premises. It is also submitted that petitioner was not apprehended on the spot. While concluding the argument, it is submitted that petitioner found involved in one more criminal case, where he is on bail, and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of fact as alleged recovery of illicit liquor appears to be made from jointly occupied house, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 31.05.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Chandauti P.S. Case No. 320 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 Exclusive Special Excise Court No. 01, Gaya/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

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