

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45725 of 2023**

Arising Out of PS. Case No.-674 Year-2022 Thana- FATUA District- Patna

Diwakar Paswan Son Of Rajendra Paswan Resident Of - E- 13 Doranda  
Nepal House, Phed Colony, P.S.- Doranda, District - Ranchi (Jharkhand).

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Ms.Asha Kumari, APP

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

2      03-08-2023                      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 Fatuha  
Case No. 674 of 2022 registered for the offence under Sections  
30(a)/32/36/41 of the Bihar Prohibition and Excise Act.

4. The accused/petitioner is named in the F.I.R. and is  
in custody since 05.06.2023.

5. The allegation against the petitioner is to be  
engaged in illegal trading/manufacturing of illicit liquor, where,  
there is recovery of 2358 litres of IMFL/country made liquor  
from the alleged truck.

6. Learned counsel appearing on behalf of the  
petitioner submitted that petitioner was not apprehended on the



spot, where his name appears in this case on the basis of disclosure made by apprehended driver. It is submitted that petitioner is not connected in any manner with the alleged truck or with the recovery of illicit liquor. While concluding the argument, it is submitted that petitioner is a man of clean antecedent.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above as alleged recovery of illicit liquor not appears to be made from the conscious physical possession of this petitioner, who is a man of clean antecedent, where petitioner is in custody since 05.06.2023, accordingly, petitioner above named, is directed to be released on bail in connection with Fatuha Case No. 674 of 2022 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 Patna City, Patna/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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