

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45568 of 2023

Arising Out of PS. Case No.-25 Year-2022 Thana- SOHSARAI District- Nalanda

Ranjit Paswan @ Hakla S/O Raj Kumar Paswan R/O Village- Pahartalli Choti
Pahari, Ps. Sohsarai, Dist. Nalanda.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh, Advocate

For the Opposite Party/s : Ms. Asha Devi, 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
Sohsarai P.S. Case No. 25 of 2022 registered for the offence
under Sections 30(a)/33/34/35 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 11.10.2022.

5. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,
there is recovery of 282 litres of IMFL/country made liquor
from the open area.



6. Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Karu Paswan. It is also submitted that recovery is made from the open area of the base point of the mountain, and as such, it cannot be said to be recovered from conscious physical possession of this petitioner. While concluding the argument, it is submitted that petitioner found involved in three more criminal cases, 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, while opposing the prayer of bail, fairly conceded the fact that alleged recovery is made from the open area.

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, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 11.10.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Sohsarai P.S. Case No. 25 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 4th Additional District and Sessions Judge-cum-Special Judge, Excise, Second, Nalanda/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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