

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49623 of 2023

Arising Out of PS. Case No.-295 Year-2023 Thana- KATEYA District- Gopalganj

MANISH PASWAN Son of Ram Prakash Paswan RESIDENT OF VILLAGE
- SAPAHI BUZURG, P.S. - TURKPATTI, DISTRICT - KUSHINAGAR,
UTTAR PRADESH

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Nandan Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 11-08-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Kateya P.S. Case No.295 of 2023 registered for the offence
under Sections 414/34 of the Indian Penal Code and Section
30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 27.06.2023.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 51.84 litres of illicit liquor and also in possession of a stolen
motorcycle.

5. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is not registered owner of the alleged motorcycle and is not a stolen property, as alleged, where, implication only appears for the reason that petitioner could not produce relevant papers on demand of informant/police personnels. It is submitted that to aggravate the allegation, this petitioner was also implicated with excise matter, where, seizure list witnesses are local *Chaukidars* and not independent witnesses. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as seizure list regarding recovery of illicit liquor appears doubtful being not supported by independent witnesses, where, petitioner is a man of clean antecedent and in custody since 27.06.2023, let the petitioner, above named, is directed to be released on bail in connection with Kateya P.S. Case No.295 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 Additional District and Sessions Judge-II-cum-Special Excise Court No.1, Gopalganj/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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