

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54818 of 2023

Arising Out of PS. Case No.-136 Year-2015 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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Bishundeo Paswan @ Vishundeo Paswan Son of Late Parmeshwar Paswan
Resident Of Village - Rasanpur, P.S. - Warisaliganj, District – Nawada.

... .. Petitioner/S

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-08-2023 Heard learned Counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 47(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per the prosecution, recovery of 40 liter countrymade liquor and 800 kg of fermented *mahua* were made from the house of the accused on a secret information.

4. It is submitted by learned counsel for the petitioner that petitioner is innocent and has committed no offence. Counsel submits that petitioner was residing in a joint family house in which series of members are there. He submits that nothing recovered from his room but recovery was made from the joint

house of the petitioner. He further submits that there is a gross violation of Section 100 of the Code of Criminal Procedure at the time of conducting search in the house of the petitioner. Counsel submits that antecedent of the petitioner is clean and he is a law abiding citizen. He also submits that petitioner is ready to fulfill all the conditions whatsoever shall be imposed upon him.

5. Learned APP for the State opposes the prayer for bail and submits that the case was lodged in the year 2012 whereas the petitioner moved for bail in the year 2023 and the case was placed before the Chief Judicial Magistrate, Warisaliganj, Nawada in the year 2023 which is a lapse of about 10 years from the date of lodging of the prosecution report.

6. Since the recovery has been made from a joint family house and the petitioner is having no criminal antecedent, let the petitioner above named be released on bail in the event of arrest or surrender before the learned Court below within a period of 6 weeks from today, on furnishing bail bond of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court-2, Nawada, in connection with G.O. Case No.136 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. But in case it has been found that all the processes have been exhausted upto Sections 82 and 83 of the Code of

Criminal Procedure against the petitioner then in that case the
order passed above i.e. to grant bail shall not be made effective.

(Dr. Anshuman, J.)

Ashishsingh/-

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