

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56301 of 2023

Arising Out of PS. Case No.-226 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Uma Paswan @ Umanand Paswan, S/O Kapildeo Paswan, R/O Village-
Kakrechak, P.S- Bochahan, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 08-11-2023 Heard Mr. Alok Kumar Alok, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Gaighat P.S. Case No. 226 of 2021 registered for the offences punishable under Sections 272, 273, 467, 468, 471/34 of the Indian Penal Code and Sections 30(a), 36, 41(i) of the Bihar Prohibition and Excise Act.

3. The police on a secret information regarding unloading of illicit liquor from a truck, raided the place of occurrence and seized the truck, in question, bearing registration no. HR 67C 3342. On search, total 2619.36 litres of illicit foreign liquor was recovered. The apprehended person disclosed the name of seven persons, including one Hari Rai. During the



course of investigation, co-accused Hari Rai disclosed the name of the petitioner and thus his name has been implicated in this case.

4. It is submitted on behalf of the petitioner that in fact the petitioner has neither any concern with the truck, in question, nor with the persons, whose names have been disclosed by the driver of the truck and the apprehended person, but only because of the fact that the petitioner is having criminal antecedent of identical nature, his name has been implicated at the instance of the police personnel. There is no other material, save and except the disclosure made by co-accused Hari Rai, showing the complicity of the petitioner in the present crime. He further submits that there are other infirmities in the search and seizure that makes the entire prosecution case doubtful. The petitioner undertakes that he shall fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned APP for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has sprung up in the confessional statement of Hari Rai and save and except the confessional statement, there



is no material suggesting the complicity of the petitioner in the present crime, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds 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.-I, Muzaffarpur in connection with Gaighat P.S. Case No. 226 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

