

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60112 of 2023

Arising Out of PS. Case No.-435 Year-2023 Thana- BUDDHACOLONY District- Patna

Pankaj Paswan @ Pankaj Kumar Son of Harilal Paswan R/o vill - Noorpur,
P.S. - Karpurigram, Distt. - Samastipur, at present China Kothi, P.s. - Budha
Colony, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar Singh No.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-09-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State

2. The petitioner seeks bail in connection with Budha
Colony P.S. Case No. 435 of 2023 registered for the offence
under Section 30-A of the Bihar Prohibition of Excise Act.

3. The accused/petitioner is named in the F.I.R. and is
in custody since 09.07.2023.

4. The allegation against the petitioner is to be
engaged in illegal trading/manufacturing of illicit liquor, where,



there is recovery of 113.4 litres of IMFL/country made liquor.

5. Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of illicit liquor was made from jointly occupied car, where recovery appears to be made from the dicky of the car. It is also submitted that seizure list appears doubtful being not supported by independent witness rather by Bihar Homeguard personnels. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

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

7. Considering the facts and circumstances as mentioned above as recovery of illicit liquor not appears to be made from the conscious physical possession of the petitioner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 09.07.2023, accordingly, above named petitioner is directed to be released on bail in connection with Budha Colony P.S. Case No. 435 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of



learned Special Judge Excise Act, Patna/concerned court,
subject to the conditions as mentioned under Section 437 (3) of
the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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