

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60926 of 2022

Arising Out of PS. Case No.-29 Year-2022 Thana- KANHAULI District- Sitamarhi

Birendra Paswan, Son of Dinesh Paswan, R/v- Sonaul Mahoday, Dian Kothi,
P.S.- Majorganj, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2023 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Kanhauli
P.S. Case No.29 of 2022 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

There is alleged recovery of 54 litres of *Nepali* wine.
It is stated that the petitioner after dumping the same on the road
was fleeing away.

Learned counsel for the petitioner submits that the
recovery is not from the conscious possession of the petitioner.
He has been implicated on suspicion as being the person who
dropped the item, whereas he has no concern with the recovered



liquor. He has no antecedents and is in custody since 27.02.2022.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the period of custody, the recovery is not from his conscious possession as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Exclusive Excise Court I, Sitamarhi, in connection with Kanhauli P.S. Case No.29 of 2022, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.



(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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