

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 65902 of 2022

Arising Out of PS. Case No.-283 Year-2021 Thana- SURSAND District- Sitamarhi

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DHIRAJ PASWAN @ DHEERAJ PASWAN S/o Murari Paswan R/o Village-
Sursand, Ward no. 16, P.S.- Sursand, Distt- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Madan Kumar, Advocate

For the Opposite Party/s : Mr Bishweshwar Ram, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 03-02-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar through Virtual Mode.

The petitioner seeks bail in Sursand Police Station (for brevity, **PS**) Case No 283 of 2021 dated 16.06.2021 registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act.

There is recovery of 40.5 liters of Nepali Saufi wine from a black bag. The villagers have stated the bag to be belonging to the petitioner.

It is submitted that even as per prosecution case, recovery is not from the petitioner. The petitioner has been implicated by villagers on extraneous considerations as he is implicated in two other cases. He is in custody in this case since 29.04.2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, manner of recovery, nature of allegation, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's



counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Exclusive Excise Court II, Sitamarhi in Sursand PS Case No 283 of 2021, 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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