

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69724 of 2023

Arising Out of PS. Case No.-85 Year-2023 Thana- AUANGARI District- Nalanda

Bindeshwar Paswan @ Arun Paswan, S/O Ram Lakhan Paswan @ Lakhan
Paswan, R/O Village- Kukurbar (Sadikpur), P.S- Telhara, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Aungari P.S. Case No. 85 of 2023, registered for the alleged offences under Sections 30 (b), 32 (II) (III), 36, 41 (I) (II), 62 and 30 (A) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about unloading of illicit liquor in a rice mill and loading of some liquor in a four wheeler car. A raid was conducted and the petitioner and the co-accused Sudhir Kumar were apprehended. From the premises, total 765 liters of India made foreign liquor was recovered and from the four wheeler car, recovery of 7.500 liters of India made foreign liquor was



made. The petitioner and co-accused disclosed that they were involved in the illicit trade of liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern either with the rice mill or the seized four wheeler car. On the alleged date and time, the petitioner was working as a labourer in the said premises and he has no knowledge about the illicit liquor. The petitioner has been apprehended merely on suspicion and nothing incriminating has been recovered from the person/possession of the petitioner. The petitioner is in custody since 15.08.2023 and the charge sheet has been submitted.

5. Learned A.P.P. opposes the submissions made on behalf of the petitioner. The learned APP submits that a huge quantity of illicit liquor has been recovered from the premises from which the petitioner was apprehended along with the co-accused person. The petitioner is a habitual offender and five cases of similar nature are pending against him.

6. At this stage, learned counsel for the petitioner submits that in all cases, the petitioner is on bail.

7. Having regard to the facts and circumstances and submissions made hereinabove and considering the submission



of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Exclusive Special Excise Court No.1, Nalanda at Biharsharif, in connection with Aungari P.S. Case No. 85 of 2023, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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