

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68932 of 2022

Arising Out of PS. Case No.-279 Year-2022 Thana- RAJNAGAR District- Madhubani

JAGDISH PASWAN @ BHULLA PASWAN, S/o Rajendra Paswan @ Chhathi Paswan, R/o Village- Mirjapur Paswan Tol, P.S.- Rajnagar, Distt-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Rajnagar P.S. Case No. 279 of 2022 registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

The prosecution case alleges that from a bush behind the petitioner's house, as per seizure memo, there is recovery of 186 litres illicit liquor.

Learned counsel for the petitioner submits that recovery is from an open place universally accessible and not from the petitioner's house, even as per seizure memo. On suspicion that the recovered substance belongs to petitioner, he has been arrested. Petitioner is in custody since 10.10.2022, having no antecedent. Moreover, investigation is also complete. Recovery is denied and disputed and is stated to be not in accordance with law.



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

Considering the rival submissions, manner of petitioner's implication, 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 of the petitioner is allowed.

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 learned Addl. Sessions Judge-IInd cum Special Judge Excise Act, Madhubani, in connection with Rajnagar P. S. Case No. 279 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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