

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74149 of 2023

Arising Out of PS. Case No.-63 Year-2023 Thana- Excise P.S. District- Darbhanga

Kranti Paswan Son of Darogi Paswan Resident Of Village - Hati, Police
Station - Biraul, District - Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Excise Biraul P.S. Case No. 63 of 2023, registered on 07.08.2023 for the alleged offences under Section 30(a) of Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about petitioner selling illicit country made liquor from his house. A raid was conducted and the petitioner was found running with jerry can of 30 litres. He was apprehended and from the jerry can recovery of 21 litres of country made liquor was made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case and no recovery has been made from the conscious



possession of the petitioner. Admittedly recovery has been made from behind the house of the petitioner and the police maliciously alleged that when the petitioner carrying a jerry can containing liquor, the recovery was made. It is not believable that a person will try to flee away carrying with him a jerry can of 30 litres. The petitioner has got no criminal antecedent. The petitioner is in custody since 08.08.2023 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the period of custody of the petitioner and also the fact that charge sheet has been submitted and further considering the clean antecedent of the petitioner, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge-I (Excise Act), Darbhanga/concerned court in connection with Excise Biraul P.S. Case No. 63 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 bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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