

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74382 of 2023

Arising Out of PS. Case No.-601 Year-2023 Thana- DEHRI TOWN District- Rohtas

Nirmal Paswan, Son Of Suresh Paswan, Resident of Village Pitambarpur, P.S-
Dehri , (Indrapuri) , Dist. Rohtas (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 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 Dehri Town (Indrapuri OP) P.S. Case No. 601 of 2023, registered for the alleged offence under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, recovery of 10 liters country made Mahua liquor was made from the bag being carried by the petitioner, who was apprehended while carrying the said liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person/possession of the petitioner. From the seizure list, it appears that recovery has been made in front of the house of the



petitioner. The petitioner has no concern with the allegedly seized liquor. Seizure list has not been prepared following the mandatory provisions of law and the witnesses on the seizure list are all members of raiding party. There is no cogent material against the petitioner. The petitioner is in custody since 27.07.2023 and the charge sheet has been submitted. The petitioner is having criminal antecedents of two cases and he is on bail in one such case.

5. Learned A.P.P. opposes the submissions made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the period of custody of the petitioner along with submission of charge sheet, 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 Exclusive Special Judge, Excise Court No.1, Rohtas at Sasaram, in connection with Dehri Town (Indrapuri OP) P.S. Case No. 601 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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