

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8130 of 2024

Arising Out of PS. Case No.-582 Year-2023 Thana- Excise P.S. District- Supaul

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Amit Paswan @ Amit kumar paswan S/o Late Ramnath Paswan R/o vill -
Malahad, ward no. 16, P.S. and Distt .- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrit Abhijat, Adv.

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 15-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Supaul
Prohibition P.S. Case No. 582 of 2023 corresponding to Misc.
Excise Case No. 4380 of 2023 instituted for the offences under
Section 30(a) of the Bihar Prohibition & Excise (Amendment)
Act, 2018.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence. On
seeing the police-party, the accused persons started to flee away
from there. Out of the persons who fled away, the Informant
identified three persons viz. the petitioner (Amit Paswan), his
brother Ranjeet Paswan and one Durga Chaudhary. It is further



alleged that the police also found one Maruti Suzuki car bearing Registration No. BR1Z 6198 and two motorcycles at the place of occurrence. On search, the police recovered altogether 745.560 liters of foreign liquor from the seized vehicles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case merely on suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is neither the driver nor the owner of the seized vehicles and has nothing to do with the seized articles. The petitioner was not arrested from the spot. The petitioner has three criminal antecedents as has been stated in paragraph no.3 of the present bail application but, in all of them, he is on bail. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner is languishing in judicial custody since 28.12.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Supaul Prohibition P.S. Case No. 582 of 2023 corresponding to Misc. Excise Case No. 4380 of 2023, subject to the following conditions:-

- (i) One of the bailors shall be own/close member of the family of the petitioner.
- (ii) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court would be at liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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