

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8033 of 2024

Arising Out of PS. Case No.-403 Year-2022 Thana- BIDUPUR District- Vaishali

Sanjay Paswan S/o Arvind Paswan R/o Vill - Gulmahiya Chak, P.S. - Nadi,
Dist. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

**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 Bidupur
P.S. Case No. 403 of 2022 instituted for the offences under
Section 30(a) of the Bihar Prohibition and Excise Amendment
Act, 2018.

3. As per prosecution case, the police, on receipt of
secret information, intercepted a tempo bearing no registration
number near Mahadev Math Ghat Road. On seeing the police
party, the driver of the vehicle tried to flee away from there but,
was apprehended by the police. On query, he disclosed his name
as Arun Paswan. On search, total 200 liters illegal country-made
liquor was recovered from the tempo.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has surfaced in this case in course of investigation. He further submits that initially the petitioner was the owner of tempo bearing Registration No. BR01PH7683 whereas on the date of occurrence, the tempo, in question, was not in the possession of the petitioner as he had already sold the same to one Ranjan Rai who has already admitted the factum of purchasing the tempo before the Investigating Officer. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. 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 07.12.2023.

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 as also the petitioner having no criminal antecedent,



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 Bidupur P.S. Case
No. 403 of 2022.

(Rudra Prakash Mishra, J)

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