

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10931 of 2024

Arising Out of PS. Case No.-412 Year-2023 Thana- ARA MUFFSIL District- Bhojpur

Sunil Paswan S/O Late Ganga Visnu Paswan Village- Pawat, Ps. Ara
Muffasil, Dist. Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Singh, Adv.

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

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

ORAL ORDER

2 22-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ara
Muffasil P.S. Case No. 412 of 2023 instituted for the offences
under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered
130 liter country-made Mahuwa wine from the bike bearing
registration no. BR1AB-6101 which was being carried by the
petitioner and the co-accused.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. The petitioner has no concern with the seized
article. He further submits that nothing incriminating has been



recovered from the conscious possession of the petitioner. The petitioner is not the owner of the alleged recovered bike. 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 22.09.2023.

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 Ara Muffasil P.S. Case No. 412 of 2023 .

(Rudra Prakash Mishra, J)

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