

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8327 of 2024

Arising Out of PS. Case No.-25 Year-2022 Thana- SOHSARAI District- Nalanda

Bhomwa @ Sanjay Paswan Son of Late lala Paswan Resident of Village-
Chhoti Pahari, P.S.-Sohsarai, Distt.-Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad, Adv.

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Sohsarai P.S. Case No. 25 of 2022 instituted for the offences
under Sections 30(a), 33, 34, 36 of the Excise Act.

3. As per prosecution case, the police, on receipt of
secret information, reached at the place of occurrence and
recovered altogether 282 liters of country made liquor from the
open area.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case merely on suspicion. The petitioner was not
arrested with the illicit wine. He further submits that nothing
incriminating has been recovered from the conscious possession



of the petitioner. The petitioner has two criminal antecedents 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 has no concern with the other co-accused or the seized liquor. Charge-sheet has been submitted in this case. The petitioner is languishing in judicial custody since 14.09.2023.

5. Learned counsel for the petitioner further submits that the co-accused viz. Ranjit Paswan @ Hakla has been granted bail by a Co-ordinate Bench of this Court vide order dated 03.08.2023 passed in Cr. Misc. Nos. 45568 of 2023. He further submits that co-accused Karu Paswan and Surendra Paswan (petitioners in Cr. Misc. No. 32977 of 2022) and Nagina Choudhary and J.P. Choudhary (petitioners in Cr. Misc. No. 37162 of 2022) have also been granted bail by a Co-ordinate Bench of this Court vide orders dated 12.08.2022 and 20.08.2022 respectively.

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

7. Considering the entire facts and circumstances of the case and taking into account the period of custody of the petitioner as also considering the claim of parity, 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 Sohsarai P.S. Case No. 25 of 2022.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

