

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16706 of 2024

Arising Out of PS. Case No.-195 Year-2023 Thana- Excise P.S. District- Gaya

Shambhu Paswan Son of Arjun Paswan Resident of Village- Devkuli, P.S.-
Guraru, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate

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

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

ORAL ORDER

3 03-04-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with Excise
P.S. Case No. 195 of 2023 instituted for the offences punishable
under Sections 30(a) and 56(b) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that total 76.125
litres of liquor was recovered from a tempo.

4. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case. No
incriminating article has been recovered from the conscious
possession of the petitioner. Learned counsel further submitted
that petitioner is neither the owner nor the driver of the vehicle.



Charge-sheet has been submitted in this case. Similarly situated co-accused person has already been granted bail by this Court vide order dated 28.02.2024 passed in Cr. Misc. No. 13103 of 2024. The petitioner is in custody since 28.12.2023 and has no criminal antecedent. There is no compliance of Section 100 of the Cr.P.C.

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

6. Considering the aforesaid facts and circumstances of the case, clean antecedent, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner 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 Excise P.S. Case No. 195 of 2023.

(Rudra Prakash Mishra, J)

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