

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26287 of 2024

Arising Out of PS. Case No.-71 Year-2017 Thana- BARACHATTI District- Gaya

=====

Pappu Paswan S/o Late Sita Ram Paswan R/o vill - Parandihara, P.S. -
Karahgar, Distt. - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ashutosh Tripathy
For the Opposite Party/s : Mr.Shailendra Kumar

=====

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

ORAL ORDER

2 05-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Barachatti P.S. Case No. 71 of 2017, instituted for the offences punishable under Sections 272, 273, 120B of the Indian Penal Code and Section 30(a), 32(2), 38, 47 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that total 3728.28 litres country made liquor along with a truck was recovered, but driver of the said truck and other persons managed to flee away.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. The name of the petitioner is transpired in this case merely on the



basis of confessional statement of co-accused, namely, Chandan Patel which is not admissible in the eye of law. No incriminating article has been recovered from the conscious possession of the petitioner. The police seized driving license registered in the name of one Jay Singh Yadav and owner book of the vehicle which is registered in the name of one Satish Kumar which shows that the petitioner is neither the owner nor the driver of the said truck. The petitioner is in custody since 24.07.2023, and has one criminal antecedent. There is no compliance of Section 100 of the Cr.P.C. Co-accused, namely, Chandan Patel who confessed name of the petitioner has already been granted bail by a co-ordinate Bench of this Court by order dated 13.09.2027, passed in Cr. Misc. No. 44894 of 2017.

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, and the period of custody undergone by the petitioner and claim based on parity, 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 Barachatti P.S. Case
No. 71 of 2017, 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 will have liberty
to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

manishkumar/-

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

