

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36756 of 2024

Arising Out of PS. Case No.-237 Year-2023 Thana- MANIGACHI District- Darbhanga

Surya Mohan Paswan S/O Navi Paswan R/O Village- Chakka, P.S-
Manigachhi (Nehra O.P), Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Praveen, Advocate

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

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

ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with
Manigachhi (Wajitpur O.P.) P.S. Case No. 237 of 2023 instituted
for the offence under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

3. As per prosecution case, there is recovery of total
716.76 liters of illicit Indian made foreign liquor from Bamboo
cluster.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 03-04-2024. Petitioner is a
man of clean antecedent.

5. It has been further submitted by the petitioner's



counsel that petitioner has been falsely implicated in the present case. Petitioner has no concern with the alleged recovered liquor. Petitioner was not apprehended on the spot rather he was identified by *chowkidar*, who claims to identified him as accused. Nothing has been recovered from the conscious possession of the petitioner. Seizure list is not prepared in accordance with law. Similarly situated co-accused has been granted bail by Co-ordinate Bench of this Court passed in Cr. Misc. No. 3615 of 2024. There is no compliance of Section 100 of the Code of Criminal Procedure, 1973. Other co-accused has been granted bail by this Court *vide* order dated 16-02-2024, passed in Cr. Misc. No. 6528 of 2024.

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

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

8. 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 Manigacchi



(Wajitpur O.P.) P.S. Case No. 237 of 2023.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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