

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40468 of 2024

Arising Out of PS. Case No.-190 Year-2023 Thana- CHIRAIYA District- East Champaran

Arjun Paswan S/O Keshwar Paswan R/O Village Mirpur P.S. Chiraiya District
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Navin kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-06-2024 Heard learned counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of

the State.

2. The petitioner seeks bail in connection with

Chiraiya P.S. Case No. 190 of 2023 registered for the

offences under 272, 273 of the I.P.C. and Section 30(a)

of the Bihar Prohibition and Excise Act.

3. The petitioner is named in the F.I.R. and is

in custody since 20.01.2024.

4. The allegation against the petitioner is to be

involved in illegal trading of illicit liquor, where, there is

recovery of 19 liters of country made liquor.



5. Learned counsel appearing on behalf of the petitioner submitted that recovery of illicit liquor is made from the open field of co-accused Sudama Rai, and as such it can be said that the illicit liquor was not recovered from the physical possession of the petitioner. It is also submitted that the petitioner was found involved in six criminal cases of similar nature and his name was given by the local chaukidar in those cases. It is pointed out that the petitioner is on bail in all those criminal cases which is of similar nature and in maximum of these case the name of the petitioner surfaced on the basis of disclosure made by the co-accused. While concluding the argument, it has been submitted that investigation is complete, where charge-sheet has been submitted, as such, there is not chance of tempering with the evidence.

6. Learned APP, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of illicit liquor prima-facie



not appears to be made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, where the petitioner is in custody since 20.01.2021, let the petitioner, above named, is directed to be released on bail in connection with Chiraiya P.S. Case No. 190 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclsive Special Excise Court No.-1, East Champaran at Motihari subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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