

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38615 of 2024**

Arising Out of PS. Case No.-67 Year-2024 Thana- KUTUMBA District- Aurangabad

Rajendra Paswan, Son of Puna Paswan, R/O Village- Mirjapur, P.S. Kutumba,
Dist.- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Kutumba P.S. Case No. 67 of 2024 for the offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about a person coming with illicit liquor on a motorcycle and started checking of vehicles. During this checking, two persons riding a motorcycle tried to flee away and one of them was apprehended, who disclosed the name of the petitioner as the person who fled away from the spot. On search of the motorcycle, total 30 liters of country made *Mahua* liquor was recovered.



4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. From the FIR, it is clear that name of the petitioner came in the disclosure statement of co-accused Shivnandan Paswan, otherwise there is no material to connect the petitioner with the offence as alleged. The petitioner is neither the driver nor the owner of the seized motorcycle. He has no concern with the seized liquor. The petitioner is having clean antecedent.

5. The learned A.P.P. opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that no recovery has been shown from the conscious possession of the petitioner and further considering the possibility of false implication and clean antecedent of the petitioner, let the petitioner above named in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of



learned Special Judge, Excise Court No.1, Aurangabad, in connection with Kutumba P.S. Case No. 67 of 2024, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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