

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62397 of 2024

Arising Out of PS. Case No.-221 Year-2024 Thana- BALIYA District- Begusarai

Mithun Paswan, S/O Arjun Paswan, R/o Village- Shakti Choura, P.S.- Ballia,
District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rahul Singh, Advocate
For the Opposite Party/s : Mr. M.K. Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard learned Advocate appearing on behalf of the

petitioner and the learned Additional Public Prosecutor for the

State.

2. The application for grant of bail to the petitioner
who is in custody in connection with Ballia P.S. Case No. 221 of
2024 registered for the offence punishable under Sections 30(a)
of the Bihar Prohibition and Excise Act.

3. Based upon the written report the allegation against
the petitioner is of buying and selling illicit chulai liquor. On the
afore-noted information the police conducted raid and
apprehended the petitioner. On search 95 litres of illicit liquor
was recovered from the kans field, situated behind the Shakti
Choura Temple.

4. Learned Advocate appearing on behalf of the
petitioner referring to the FIR contended that the alleged



recovery has been made from an open field, which is easily accessible to all and, as such, the petitioner cannot be held responsible for the same. Only on account of one past criminal antecedent, the name of the petitioner has been implicated in this case. It is next contended that the alleged recovery has been made from the field, but surprisingly there is no independent witness to the search and seizure and thus, in complete defiance of the provision of Section 100 of the Code of Criminal Procedure. Be that as it may, now the petitioner is in custody since 15.07.2024 and the investigation of the crime is complete.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a field which does not belong to the petitioner coupled with the fact that the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 11, Begusarai in connection with Ballia P.S. Case No. 221 of 2024, subject to the condition that one of the bailors will be the close



relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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