

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60189 of 2024

Arising Out of PS. Case No.-1659 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

Naresh Paswan S/O Late Sadhu Paswan @ Late Sado Paswan R/O Village-
Koluha Paigambapur, P.S- Ahiyapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 18-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Ahiyapur P.S. Case No. 1659 of 2023 instituted for the offences punishable under Sections 420, 467, 468, 471, 120(b) of the Indian Penal Code and Section 30(a) (b), 30(ii),(iii), 36, 41(i) (iii) of Bihar Prohibition and Excise Act.

3. As per the prosecution case, petitioner was apprehended on the spot and from the vehicle Tata 207 bearing registration no. BR05G-6425, total 1404.720 liters of illicit foreign liquor was recovered.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has falsely been implicated in this case. He is neither concern with alleged recovered liquor nor he is owner or driver of the alleged



vehicle. Nothing incriminating article has been recovered from his conscious possession. Both the seizure list witnesses are police personnel which is complete violation of Section 100 of Cr.P.C. It is further submitted that co-accused has already granted bail by the Co-ordinate Bench of this Court in Cr. Misc. No. 25784 of 2024 vide order dated 22.03.2024. Petitioner is languishing in judicial custody since 26.07.2024.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case and submissions made on behalf of the petitioner as well as the fact that co-accused has already granted bail by the Co-ordinate Bench of this Court in Cr. Misc. No. 25784 of 2024 vide order dated 22.03.2024, let the above named 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 the learned Special Judge, Excise Court No. I, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1659 of 2023.

(Ramesh Chand Malviya, J)

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