

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81723 of 2023

Arising Out of PS. Case No.-332 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

Raju Paswan Son of Lalit Paswan R/O Village- Indrahiya, P.S.- Sasaram (M),
Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashikant

For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Sasaram(M) P.S. Case No. 332/2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there was alleged recovery of total 100 liters country made *Mahua* liquor near Indrahiya Canal. Nearby people who were catching the fish, disclosed the name of petitioner and other who fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to village politics. The petitioner is not apprehended on



the spot. He further submits that the petitioner has nothing to do with the alleged occurrence and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 12.11.2023 and bears criminal antecedent of one case in which he is on bail. He further submits that except disclosure of nearby people, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that on similar and identical allegation, co-accused Gorakh Paswan has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.69798/2021 and on the principle of parity, the petitioner also deserves same treatment.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 the learned Exclusive Special



Excise Court No.2 cum Additional District and Sessions Judge,
Rohtas at Sasaram in connection with Sasaram(M) P.S. Case
No. 332/2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
without appropriate permission, would be a ground for
cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the
witnesses, in that case, the prosecution will be at liberty to move
for cancellation of bail.

(Alok Kumar Pandey, J)

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