

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1300 of 2024

Arising Out of PS. Case No.-237 Year-2023 Thana- AKBARPUR District- Nawada

Mukesh Paswan @ Mukesh Kumar SON OF Late Prasadi Paswan
RESIDENT OF VILLAGE- PHULWARIA KHURD, P.O.-RAJAULI, P.S.-
RAJAULI, DISTRICT-NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivek Kumar Sinha
For the Opposite Party/s : Mr.Parmanand Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 25-01-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Akbarpur P.S. Case No. 237 of 2023 registered for the

offences punishable under Sections 30(a), 41 of Bihar

Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, informant got secret

information that illicit liquor is being brought by two persons

from a mini truck and after that informant alongwith police

team reached at the spot. It is alleged that driver of the said

mini truck was apprehended on the spot who disclosed his

name as Shiv Shankar Prasad. On search, 320 litre country



made liquor was recovered from the mini truck in question.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and during course of investigation his name has been surfaced in this case in the confessional statement of co-accused Shiv Shankar Prasad. Except disclosure of co-accused Shiv Shankar Prasad, there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that FIR named co-accused Shiv Shankar Prasad has already been granted bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 45372 of 2023 and case of present petitioner stands on better footing in comparison to said co-accused as petitioner is not named in the FIR and hence, he also deserves bail. Learned counsel at para 10 of the bail petition mentioned that alleged vehicle is registered in the name of Shiv Shankar Prasad. In this way, petitioner is not owner of the alleged vehicle in question. Petitioner is quite innocent and has not committed any offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is in custody since 07.11.2023 and bears criminal antecedent of



two cases. No incriminating article has been recovered from conscious possession of the petitioner. Petitioner has nothing to do with the alleged recovery of liquor.

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

6. Considering the facts and circumstances of the case, period of custody, 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 bond 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. 1, Nawada in connection with Akbarpur P.S. Case No. 237 of 2023, 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)

shahzad/-

U		T	
---	--	---	--

