

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3688 of 2025

Arising Out of PS. Case No.-168 Year-2024 Thana- ALINAGAR District- Darbhanga

Dharmendra Paswan S/o- Vije Paswan @ Vijay Paswan Village- Andauli Ps-
Alinagar Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Madhumala Kumari, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-02-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Alinagar P.S. Case No. 168 of 2024 instituted for the offences under Sections 338, 336(3), 319(2), 318(4), 3(5) of the B.N.S. and 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, the police has recovered 2761.920 liters of illicit foreign liquor from the truck.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. The name of the petitioner has transpired in this case on the basis of the



disclosures made by the local Chaukidar. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner. The petitioner is neither owner nor driver of the alleged vehicle. The petitioner has no concern with the recovered liquor. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case. The petitioner has three criminal antecedents and is languishing in judicial custody since 29.11.2024 without any rhymes or reason. Charge-sheet has been submitted in this case.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that huge quantity of foreign liquor has been recovered.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Alinagar P.S. Case No. 168 of 2024, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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