

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32876 of 2017

Arising Out of PS.Case No. -55 Year- 2017 Thana -BIRPUR District- SUPAUL

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1. Manoj Paswan Son of Mahendar Paswan Resident of Village- Shiv Nagar, P.S.- Birpur, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha

For the Opposite Party/s : Sri Aditya Narayan Singh 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 14-07-2017 This application is for grant of bail in connection with S.T. Excise No. 144 of 2017 arising out of Birpur P.S. Case No. 55 of 2017 registered for the offence(s) under section(s) 38(i) (ii) of the Bihar Prohibition and Excise Act, 2016.

Allegation, as per the FIR, is that five persons, including the petitioner, coming from Nepal side on seeing the Police personnel, started fleeing away after throwing the Nepali wine, but the petitioner was arrested and 244.5 litres of Nepali wine was recovered.

Submission of the learned counsel for the petitioner is that the petitioner has falsely been implicated in this case and he has no criminal history. Further submission is that even according to the FIR, 05 persons were carrying the said wine and it is not so that the petitioner was only carrying the said wine and now he is in custody for three months.



Heard learned Additional Public Prosecutor also.

Having heard both sides and in view of the facts and circumstances, as stated above, this application is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Supaul in connection with S.T. Excise No. 144 of 2017 arising out of Birpur P.S. Case No. 55 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine rhyme or reasons, the prosecution will have liberty to move for cancellation of his bail.
- (iv) The petitioner's active participation is found in any similar type of cases, in future, his bail bond shall be cancelled.

Mahesh/-

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(Vinod Kumar Sinha, J)

