

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6573 of 2019

Arising Out of PS. Case No.-679 Year-2018 Thana- KHAJANCHI HAT District- Purnia

Chhotu Paswan, aged about 24 years (M), son of Sri Shiv Charan Paswan
resident of village-Janta Chowk, Railway Gumati No. 3/5, Paswan Tola, P.S.
K. Hat, District, Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Anand
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 13-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in Special Excise Case No. 873 of 2018 arising out of K. Hat P.S. Case No.679 of 2018 registered for the offence punishable under Sections 25(1-b)a and 26(ii) of the Arms Act and Section 37(b)(c) of the Bihar Prohibition & Excise Act, 2016.

Informant who is a Police Officer has stated that on receiving confidential information, he reached at the Janta Chowk and after seeing the police party, one person tried to flee but he was apprehended by the police in a drunken condition. On being asked, he disclosed his name as Chhotu Paswan, i.e., the petitioner. Two loaded pistols were recovered from the possession of the petitioner.



It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case on the basis of suspicion. It has further been submitted that signature of the petitioner is not on the seizure list. Petitioner is in custody since 30.09.2018.

Considering the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail of the petitioner is hereby rejected.

However, it is observed that the petitioner named above be released on bail **after completion of 9 months in custody** upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Excise, Purnea, in connection with Special Excise Case No. 873 of 2018 arising out of K. Hat P.S. Case No.679 of 2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate 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 his absence on two consecutive dates without sufficient reason, his bail bond



shall be cancelled by the court below.

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

(S. Kumar, J)

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