

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.566 of 2020

Arising Out of PS. Case No.-97 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

Pawan Kumar @ Pavan Kumar S/o Bhagya Narain Mahto R/o Village-
Gopalpur Gopal, P.S.- Bochahan, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-02-2020 Heard learned counsel for the parties.

Petitioner apprehends his arrest in a case registered for the offence punishable under sections 272 and 273 of the IPC and sections 30(a), 32(ii) and 38(ii) of the Bihar Prohibition and Excise Act.

1159 litres of illicit liquor has been recovered from the truck and it has further alleged that petitioner was wandering near the truck.

It has been submitted on behalf of the petitioner that the present case is false and fabricated and petitioner has falsely been implicated in this case. It has further been submitted that nothing has been recovered from the conscious possession of the petitioner and he has no concern with the alleged recovery. It has further been submitted that the petitioner is neither owner



nor driver of the alleged truck. It has further been submitted that no case under Excise Act is made out against the petitioner. The petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances as well as nature of accusation, in the event of his arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge Excise, Muzaffarpur in connection with Bochahan P.S. Case No. 97 of 2019, on the following conditions:-

- (1) 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.
- (2) 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.

(Prabhat Kumar Singh, J)

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