

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 83548 of 2019**

Arising Out of Case No.-455C2 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

Pradeep Paswan, aged about 28 years, Male, Son of Suresh Paswan Resident
of Village - Gausadih, P.S.- Town, Thana Darbhanga, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satya Prakash Parasar, Advocate
For the State	:	Mr. Humayou Ahmad Khan, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 08-01-2020

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Case No.
455C2 of 2019 dated 12.11.2019 instituted under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016 as amended by the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The allegation against the petitioner is that from the
Bolero vehicle he was driving, 180 litres of illicit liquor was
recovered.

4. Learned counsel for the petitioner submitted that he
has no criminal antecedent and was merely the driver of the
vehicle. It was submitted that he was not aware with regard to



what was loaded by the owner of the vehicle. It was further submitted that he is in custody since 13.11.2019.

5. Learned APP submitted that from the order of the Additional District and Sessions Judge, IInd, Jamui dated 16.11.2019, by which the prayer for bail of the petitioner has been rejected, it appears that the petitioner was also the owner of the vehicle.

6. Learned counsel for the petitioner takes a categorical stand that he is only the driver.

7. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II, Jamui in Case No. 455C2 of 2019.

8. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present



before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. However, before releasing the petitioner, the Court below shall verify as to whether the vehicle was owned by the petitioner or not. As the stand has been taken that the petitioner is not the owner of the vehicle, if the Court finds the same to be correct, then only the petitioner shall be released. Otherwise, the prayer for bail on his behalf shall be deemed to have been rejected.

10. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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