

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17932 of 2021**

Arising Out of PS. Case No.-81 Year-2020 Thana- RISIYAP District- Aurangabad

=====

ROHIT PASWAN @ ROHIT KUMAR Son of Birendra Paswan Resident of
Village- Gheura, P.S.- Risiup, District- Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr.Arun Kumar Singh, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 12-07-2021 Learned counsel for the petitioner undertakes to remove

all the defects as pointed out by office within four weeks after start of

normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P.

for the State.

Petitioner in the present case is seeking regular bail in

connection with Risiyap P.S. Case No. 81 of 2020 registered for the

offences punishable under Section 30(a) of the Bihar Prohibition &

Excise Act.

As per the prosecution story, while the informant got

information that Rohit Kumar (Petitioner) has kept liquor in the

paddy field behind Anganbari Centre, Gheura, he reached near

Anganbari Centre and on seeing police party a person fled away, on

search and enquiry made by the informant from the chowkidar and

the co-villager the name of the petitioner was disclosed and 10 liters



of country made liquor has been seized which was kept in the paddy field behind Anganbari Centre, Gheura.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case, petitioner is neither apprehended at the spot nor anything has been recovered from his possession, however petitioner is in custody since 16.12.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the alleged recovery of 10 liters of Mahua country made wine has been made from a paddy field, the petitioner is in custody in connection with this case since 16.12.2020, investigation against him is complete but the trial is not likely to be taken up in near future, the petitioner has got at least three cases of similar nature but considering the submissions of learned counsel for the petitioner that in absence of there being any prima-facie material against the petitioner and in one of the cases he has been granted anticipatory bail, as also considering that in the present case he has remained in custody for seven months, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – II – cum – Special Judge, Excise, Aurangabad (Bihar), in connection with Risiyap P.S. Case No. 81/2020, subject to the condition as laid down



under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

