

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22859 of 2021**

Arising Out of PS. Case No.-304 Year-2020 Thana- BAUNSI District- Banka

Kunal Paswan, aged about 24 years, S/O Punit Paswan R/o village- Manjira,
P.S.- Banka, District- Banka

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar Jha, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 29-11-2021 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The petitioner who is in custody since 4.12.2020 in connection with Bounsi P.S. Case No. 304 of 2020 prays for bail for the offence under section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

It is specific allegation against the petitioner that on 3.12.2020 at about 12:30 p.m. while the police officials of Bounsi police station was on patrolling, stopped the motorcycle of the petitioner and on search, 32.7 liters of illicit liquor was recovered from his possession.

Learned counsel for the petitioner submits that he has



no concern with the recovered wine. He further submits that the petitioner is tribal and as per their custom, Mahua is used during ritual performed on several occasions. He further submits that the petitioner is in custody since 4.12.2020.

Learned counsel appearing on behalf of the State, however, opposes the prayer of the petitioner for bail.

Considering the aforementioned facts and circumstances of the case and the period of custody of the petitioner, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs.2,00,000/- (Two lakhs) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Banka, in connection with Bounsi P.S. Case No. 304 of 2020 (SPL.Ex. 709 of 2020 subject to the following condition:-

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

(2) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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



cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offense, after his release on bail, the trial court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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