

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.22605 of 2021**

Arising Out of PS. Case No.-199 Year-2020 Thana- CHANDI District- Bhojpur

JHAPSI PASWAN S/o Dhupan Paswan @ Churan Paswan R/o Village-
Narbirpur, P.S.- Chandi, Dist- Bhojpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Rajendra Singh,APP

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

2 16-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Rajendra Singh, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Excise Case No. 1978 of 2020 arising

out of Chandi P.S. Case No. 199 of 2020 registered for the

offences punishable under Section 30(a) of Bihar Prohibition

and Excise Act.

Learned counsel for the petitioner submits that as per

the prosecution story, the informant, on secret information that

two persons are carrying wine, along with other police

personnel reached the alleged place of occurrence and on seeing

the police party two persons sitting on the sack (bora) tried to flee away but one person was apprehended and he disclosed his name Ashok Ray and also disclosed the name of the person this petitioner who managed to escape. It is alleged that on search of sack (bora) total 126 liters of illicit liquor was recovered.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner was not arrested on the spot. The petitioner is in custody since 27.12.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that total 126 liters of illicit liquor is said to have been recovered, the petitioner was not arrested on the spot, he has remained in custody in connection with this case since 27.12.2020 having no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds 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 IV-cum-Special Judge, Excise, Bhojpur at Ara in connection with Excise Case No. 1978 of 2020 arising out of Chandi P.S. Case No. 199 of 2020.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.