

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33090 of 2021

Arising Out of PS. Case No.-115 Year-2020 Thana- SAHIYARA District- Sitamarhi

MANOJ PASWAN @ MANOJ KUMAR SON OF LOBHICHANDRA
PASWAN R/O VILLAGE- HARNAHIYA, P.S.- SAHIYARA, DISTRICT-
SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through
Video Conferencing from their residence.)

3 06-08-2021

Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2016.

Allegation is recovery of 593.4 litres Nepali saufi wine from the hut of co-accused Santosh Paswan, who was apprehended by the police party, however, petitioner allegedly managed to flee away.

It has been submitted on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case. It is further submitted that petitioner was neither apprehended on the spot nor any illicit liquor was recovered

from his possession and name of the petitioner has surfaced in this case on the confessional statement made by the co-accused and except the said confessional statement, there is no any other incriminating material against the petitioner. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Riga P.S. Case No.115/2020 subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

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

(2) 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, in that 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 offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

Sanjay/-

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