

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25636 of 2021**

Arising Out of PS. Case No.-484 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Aurangabad

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BUTA PASWAN SON OF TARACHAND PASWAN R/O VILLAGE-
TIKARI MORE, P.S- AURANGABAD(T), DIST- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tej Narayan Singh, Adv
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-12-2021 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Petitioner who is in custody since 22.01.2021 seeks regular bail in connection with Aurangabad (T) Excise Case No. 484 of 2020 dated 19.06.2020 registered for offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Case of the prosecution in brief is that from the house of the petitioner altogether 411.6 litres illicit liquor was recovered.

Learned counsel on behalf of the petitioners submits that the said liquor has been recovered from the ancestral house of the petitioner and the said liquor was not recovered from his conscious possession. The petitioner was apprehended on the basis of the enquiry made from the local persons as reflected from the



prosecution report. Learned counsel on behalf of the petitioner further submits that the petitioner has clean antecedent and is in custody since 22.01.2021.

Learned APP appearing on behalf of State submits that it is admitted that the illicit liquor was seized from the house of the petitioner, however, petitioner was not apprehended on the spot. Taking into consideration the huge amount of illicit liquor was recovered and from the same it appears that petitioner is engaged in illicit trade of prohibited item and as such he does not deserve to be released on bail.

Considering the aforesaid facts, learned Court below is directed to verify the antecedent of the petitioner and if it is found satisfactory that petitioner is not involved in any other cases of similar nature or any other serious offences, the petitioner above named, be released on bail on furnishing personal bond of Rs. 2,00,000/- along with bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge II-cum-Special Judge Excise, Aurangabad in connection with Aurangabad (T) Excise Case No. 484 of 2020 subject to the following conditions:

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



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

(iii) If the petitioner tempers 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.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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