

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36198 of 2021**

Arising Out of PS. Case No.-369 Year-2020 Thana- LALGANJ District- Vaishali

SAVINAY PASWAN S/O Shri Shivchandra Paswan @ Shivchandra paswan
R/O Village - Purantand, P.S. - Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Adv.

For the Opposite Party/s : Mr. A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 07-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

The petitioner seeks bail in connection with Lalganj P.S. Case No. 369 of 2020 registered for the offence under Sections 414, 420, 467, 471 and 120(B) of the Indian Penal Code and Section 30(a) (c)(d), 36 and 41(1) of the Bihar Prohibition and Excise Act.

Twenty (20) liters of country made liquor said to have been recovered from the house of the petitioner.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the house of the co-accused, namely, Brajesh Paswan, who has already been granted regular bail by a co-ordinate Bench of this Court vide order dated 28.10.2021 passed in Cr. Misc. No. 38457 of 2021. The petitioner has no concern with the alleged recovery of illicit liquor. The petitioner is rotting in judicial custody since 30.11.2020.

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

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge- II- cum- Excise Court, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 369 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the



Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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.

(Rajesh Kumar Verma, J)

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