

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37324 of 2021

Arising Out of PS. Case No.-144 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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PAPPU PASWAN @ PAPPU KUMAR PASWAN S/o Ram Prakash Paswan
R/o village- Kaithma (Karpuri Nagar), P.S.- Begusarai Muffasil, District-
Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 03-12-2021 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 Muffasil

P.S. Case No. 144 of 2020 registered for the offence under

Sections 120(B) of the Indian Penal Code and Section 30(a) of the

Bihar Prohibition and Excise Act.

Recovery is of 2744.445 liters of foreign liquor.

Learned counsel appearing for the petitioner submits

that the petitioner is innocent and has falsely been implicated in

this case. In fact, nothing has been recovered from the exclusive

possession of the petitioner rather the alleged recovery has been



made from the Truck in question. Neither the petitioner happens to be owner of alleged Truck nor he happens to be driver of the said vehicle. Moreover, the co-accused, namely, Rajvali Kumar @ Rajbali Kumar @ Rajvali Singh and Kanhaiya Kumar along with Raushan Kumar, having more or less similar allegation, has been granted anticipatory bail by co-ordinate Benches of this Court vide order dated 22.03.2021 and 30.01.2021 passed in Cr. Misc. No. 34600 of 2020 and Cr. Misc. No. 25960 of 2020, respectively. One more co-accused, namely, Mahadev Kumar @ Murari Kumar has also been regular granted bail by a co-ordinate Bench of this Court vide order dated 24.07.2020 passed in Cr. Misc. No. 22049 of 2020. The petitioner is rotting in judicial custody since 22.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits the petitioner is having one more identical case other than the present one, which is evident from paragraph-3 of the petition.

Considering the facts and circumstances of the case and the period of custody, 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- Special Judge, Excise Act, Begusarai in connection with Muffsil P.S. Case No. 144 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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