

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9126 of 2021

Arising Out of PS. Case No.-212 Year-2020 Thana- RAJAPAKAR District- Vaishali

PINTU PASWAN Son of Shivnath Paswan Resident of Village Maheshbarpur
P.S. - Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 05-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Rajapakar PS Case No. 212 of 2020 registered under Sections 414/34 of the IPC and Sections 30(a) of Bihar Prohibition and Excise Act, 2016 .

Learned Counsel for the petitioner submits that due to typographical error quantity of recovery of illicit liquor from the petitioner has been mentioned as 50 liters in para 10 of the application.

56 liters illicit liquor has allegedly been recovered from the petitioner. The prosecution case is that the police have come on information that liquor was being transported in a tempo vehicle. The petitioner was allegedly fleeing away on a motorcycle.

Submission is of false implication. There is total denial



of the recovery whatsoever by learned Counsel for the petitioner. It is submitted that the recovery is not in accordance with Section 100 Cr.P.C. The petitioner has no criminal antecedent and he has been in custody now since 5.9.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of 2nd Additional Sessions Judge -cum- Special Judge, Excise Court, Vaishali at Hajipur in Rajapakar PS Case No. 212 of 2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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