

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10487 of 2021**

Arising Out of PS. Case No.-142 Year-2020 Thana- DEWARIA District- Muzaffarpur

AMOD KUMAR PASWAN SON OF LAKHENDRA PASWAN R/O
VILLAGE- BANGRI, P.S.- BARURAJ, DISTRICT- MUZAFFARPUR.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raju Kumar Goswami, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 20-05-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

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

The petitioner in the present case is seeking regular bail in connection with Deoriya P.S. Case No. 142/2020 registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the S.I. Sri Sunil Kumar submitted a written report to the S.H.O., Deoriya police station alleging therein that on 14.10.2020 at about 10.00 O'clock he along with other police personnel proceeded for day patrolling and during patrolling at about 15.45 hours he reached at Karpuri



Chowk and started checking the vehicles. It is alleged that during checking of vehicles one Alto car bearing Reg. No. BR06-7200 was seen coming from Neknampur. It is further alleged that on seeing the police party one person started fleeing away from the Car. The police personnel tried to arrest him but the said person succeeded to flee away. The apprehended driver of said vehicle disclosed his name as Amod Kumar Paswan (petitioner) and also disclosed the name of fled away person as Pankaj Ram. On search, total 180 liters of illicit liquor were recovered from the said Alto Car.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel submits that this petitioner is not the owner of the seized Alto car from which the alleged recovery of 180 liters of illicit liquor has been made. It is submitted that the petitioner has remained in jail in connection with this case since 15.10.2020 and prior to the present case he had no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is though said to be the driver of the



vehicle, however, he claims that he is not the owner thereof, he has remained in jail in connection with this case since 15.10.2020 and prior to the present case he had no criminal antecedent, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Act, Muzaffarpur, in connection with Deoriya P.S. Case No. 142/2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

arvind/rishi

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

