

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1998 of 2022

Arising Out of PS. Case No.-266 Year-2021 Thana- KHANPURA District- Samastipur

Jitendra Paswan Son Of Lalo Paswan @ Lal Bahadur Paswan Resident of
Village - Teleghara, P.s.- Khanpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-06-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
Mr, Suresh Prasad Sinha, learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Khanpur P.S.Case No. 266 of 2021 for the
offences punishable under Sections 30(a) (b), (c) of the
Bihar Prohibition & Excise Act.

As per the prosecution case, it is alleged that
while the petitioner was going from his motorcycle along
with Jute Bora, he was intercepted by the police and on
search being made, 30 liters country made liquor has been



recovered from the Jute Bora.

It is submitted by the learned counsel for the petitioner that petitioner has been falsely implicated in this case on account of village politics and nothing has been recovered from conscious possession of the petitioner but only because of the fact that earlier, he has been implicated in similar nature of Hathauri P.S.Case No.12 of 2021. It is further submitted that there is no compliance of Section 100(7) of Code of Criminal Procedure and there is other discrepancy in the mode and manner of search. It is also submitted that the petitioner is in custody since 21.11.2021. Though, investigation has already been completed and the charge sheet has been submitted. There is one case of similar nature pending against the petitioner.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that the petitioner is in custody since 21.11.2021 and moreover, investigation has already been concluded and charge sheet has been submitted , let the petitioner, above named, be released on



bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, Excise, Samastipur in connection with Khanpur P.S.Case No. 266 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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