

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4964 of 2022

Arising Out of PS. Case No.-163 Year-2021 Thana- BATHNAHA District- Sitamarhi

Vikram Paswan Son Of Late Suresh Paswan R/O Village- Kanta Chowk Bhup
Bhairo @ Bhup Bhairo, Ward No.-10, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with
Bathnaha P.S. Case No. 163 of 2021 registered for the offence
under Section 30(a) of the Bihar Prohibition and Excise Act,
2018.

The petitioner is named in the FIR and is in
custody since 17.11.2021.

The allegation against the petitioner is to be
involved in the illegal business of illicit liquor along with other
co-accused persons, wherein, a total of 166.5 litre of Nepali
wine, which was recovered from two pickup van.



Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of confessional statement and admittedly the recovery was not made from the conscious possession of the petitioner as it appears from the FIR itself. It has further been submitted that petitioner is involved in other 5 similar cases as mentioned in paragraph no.3 of the petitioner and out of which, he is on bail in 04 cases. While arguing over the matter, it has further been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

APP appearing on behalf of the State while opposing the prayer for bail fairly conceded the fact that alleged recovery has not been made from the physical or conscious possession of the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery has not been made from the physical or conscious possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Bathnaha P.S. Case No. 163 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned ADJ II-cum-Special Judge Excise Act, Sitamarhi subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be mother of the petitioner, namely, Ful Kanchan Devi, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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