

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5765 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- KARJA District- Muzaffarpur

Birendra Paswan S/o Mahendra Paswan R/o village- Basatpur Malikan, P.S.-
Karja, Distt.- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon

For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-06-2022 The learned counsel for the petitioner is directed to re-

move all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in a case registered for

the offences punishable under Sections 272, 273/34 of Indian

Penal Code and Section 30(a) of Bihar Prohibition and excise

Act.

Allegedly 32 liters country made wine was recovered

from a hut and petitioner was arrested at the spot and the police

party conducted raid at several places in following with infor-

mation received during the course of raid.

The main submissions advanced by learned counsel



for the petitioner are that the petitioner has been languishing in jail since 9.11.2021, against him there is no criminal antecedent and the alleged wine was not recovered from conscious possession of the petitioner and in the entire FIR the alleged place of recovery i.e. a hut is not mentioned as a hut of this petitioner and he was arrested merely on the basis of suspicion.

Learned APP has opposed the prayer for bail and submitted that from the possession of this petitioner the alleged country made wine was recovered.

In view of the above submissions and considering the petitioner's custody period and his clean antecedent mentioned in para 3 of the petition and also considering the place of recovery which is stated to be a hut, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of like amount each to the satisfaction of concerned Court in connection with Karja P.S. case No. 224 of 2021 on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the



Court below.

(2) If the petitioner tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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