

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10240 of 2022

Arising Out of PS. Case No.-217 Year-2021 Thana- CHAKAI District- Jamui

MAHENDRA PASWAN Son of Late Kailu Paswan, Resident of Village -
Islapur, Shivpuri (Amrudiya Bigha), P.S.- Islampur, Distt.- Nalanda.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Paras Nath, Adv.

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 14-06-2022 Heard counsel for the petitioner and the learned A.P.P.
for the State.

The petitioner seeks regular bail in connection with
Chakai P.S. Case No. 217 of 2021 lodged under Sections
272/273 of the Indian Penal Code, 1860 read with Section 30(a)
(f)/32(2)(3)/36/41(1)(2) of Bihar Prohibition and Excise
Amendment Act, 2018.

As per the allegation, the total recovery in the present
case is 2720 litres of spirit.

Learned counsel for the petitioner submits that the
petitioner is the driver of the truck to whom key has been
provided by the owner of the truck to drop material at specified
place. He further submits that charge sheet has already been
filed in this case and petitioner is in custody since 21.10.2021

having no criminal antecedent. He further submits that co-accused Vinay Kumar, who is also staff on the truck has been granted bail by the Co-ordinate Bench of this Court vide order dated 01.06.2022 passed in Cr. Misc. No. 72273 of 2021.

Learned A.P.P. has opposed the prayer for bail.

Considering the facts that charge sheet has already been filed in this case and petitioner is in custody since 21.10.2021 having clean antecedent as well as with a view to maintain parity, let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs.1,00,000/- (Rupees One Lakh) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Jamui in connection with Chakai P.S. Case No.217 of 2021, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) At the time of furnishing bail bond, the petitioner shall file an affidavit to the effect that he shall not indulge himself in future in the similar type of offence. If it is found so, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the

learned court below will take decision in accordance with law.

(Dr. Anshuman, J)

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