

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11571 of 2022**

Arising Out of PS. Case No.-74 Year-2021 Thana- WARISLIGANJ District- Nawada

Upendra Paswan Son of Late Kishun Paswan Resident of Village - Rasanpur,
P.S.- Warisaliganj, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 16-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 30(a), 30(d), 41 of the Bihar Prohibition and Excise Act, 2016.

Recovery is of 1200 litres semi constructed *Mahua* liquor.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that it appears from the F.I.R. that nothing has been recovered from the conscious possession of the petitioner



rather recovery has been made from an open field and the petitioner has no concern at all with the alleged recovery. He further submits that similarly situated co-accused person namely Bahadur Saw has been granted bail by a Coordinate Bench of this Court vide order dated 21.09.2021 in Cr. Misc. No. 45989 of 2021, another co-accused Vijay Saw has been dgranted bail by a Coordinate Bench of this Court vide order dated 27.08.2021 in Cr. Misc. No. 37584 of 2021 as well as co-accused Chandrika Paswan has been granted bail by a Coordinate Bench of this Court vide order dated 02.12.2021 in Cr. Misc. No. 42396 of 2021 respectively and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 09.12.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Warisaliganj P.S. Case No. 74 of 2021, with 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 and shall remain physically present as directed by the Court 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 tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

Ibrar//-

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

