

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11488 of 2022**

Arising Out of PS. Case No.-100 Year-2021 Thana- VAISHALI District- Vaishali

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ASHOK PASWAN SON OF JUGALI PASWAN R/O VILLAGE-
PAHARPUR, P.S.- VAISHALI, DISTRICT- VAISHALI AT HAJIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 24-06-2022 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 Vaishali
P.S. Case No. 100 of 2021 registered for the offence under
Sections 272, 273, 467, 468, 471, 414 and 34 of the Indian
Penal Code and Section 30(a) and 41(i) of the Bihar Prohibition
and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.02.2022.

The allegation against the petitioner is to engaged as a
labour while unloading the vehicle loaded with illicit foreign
liquor total of 6197.4 litres.



Learned counsel appearing on behalf of the petitioner submitted that from bare perusal of FIR, it appears that the petitioner was engaged a labour to unload the consignment. It has further been submitted that recovery cannot be said from conscious possession of the petitioner, who is man of clean antecedent. While concluding the argument, it has been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner has engaged as labour to unload the alleged consignment.

Considering the facts and circumstances as mentioned above, as the petitioner was engaged as labour to unload the alleged vehicle with illicit foreign liquor, who is man of clean antecedent 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 Vaishali P.S. Case No. 100 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 Exclusive Special Excise Court No.2-cum-Additional District and Sessions Judge, Vaishali at Hajipur, subject to the following conditions:



“(i) Accused/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 Madhu Kumari, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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