

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21197 of 2021

Arising Out of PS. Case No.-468 Year-2020 Thana- DHAKA District- East Champaran

Gwali Paswan @ Awadhesh Paswan, Son of Late Vishwanath Paswan
Resident of Village - Chainpur Dhaka, P.S. - Dhaka, District - East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Nand Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 17-01-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner who is in custody since 08.01.2021 seeks
bail in connection with Dhaka P.S. Case No.468/2020
registered for offence punishable under Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

Prosecution case in brief, is that on secret information
when the police reached at the indicated place saw 4-5 persons
started to flee and amongst them one person was caught who



disclosed his name as Jitu Kumar. In presence of witnesses from the house of accused Gowali Paswan 80 bottle each bottle containing 300 ml Nepali country made wine and 60 Pouch each pouch containing 100 ml countrymade Chulai wine was recovered and seized. The apprehended person Jitu Kumar was legally arrested and a case was lodged against the said co-accused Jitu Kumar and accused petitioner Gowali Paswan.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in this case merely on suspicion. He further submits that petitioner has no concern with the said liquors. He is neither arrested on the spot nor anything has been recovered from his conscious possession.

Learned APP for the State vehemently opposes the prayer for grant of bail to the petitioner.

Considering the afore-mentioned facts and circumstances and of the case, it is directed that the court below after verifying the criminal antecedent of the petitioner and after being satisfy as to whether any other criminal case or excise case is pending against the petitioner and after verifying the same, the petitioner, above named, be released on bail on furnishing bail bond of Rs.1,00,000/-(Rupees One Lac) with



two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Motihari, East Champaran in connection with Dhaka P.S. Case No.468/2020, subject to the following conditions:

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall ensure his presence before the concerned police station on every 15th day of the month as well as properly represented on each and every date fixed by the court below.

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

(4) If the petitioner is found involved in similar nature of offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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