

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12227 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- BISHWAMBHARPUR District-
Gopalganj

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GOPAL PASWAN S/o Lakhendra Paswan @ Lakhindra Paswan R/o village-
Rajadih, P.S.- Katra, District- Muzaffarpur Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Rai, Advocate.

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Vishambharpur P.S. Case No. 11 of 2022 lodged under Section
30(a) of Bihar Prohibition and Excise Act, 2016.

As per the allegation made in the FIR, total 198.180
liters of foreign wine was alleged to be recovered. As per FIR,
the present petitioner is the tempo driver.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. The tempo
belongs to another person and the owner of tempo has directed
him to visit at particular place. He further submits that petitioner
is in custody since 22.01.2022, charge sheet has already been
filed in this case and petitioner has clean antecedent.

Learned A.P.P. opposes the prayer for bail.

In the present facts and circumstances of the case that
the charge sheet has already been filed in this case and petitioner

is in custody since 22.01.2022 having clean antecedent, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-IV cum Special Excise Court-II, Gopalganj in connection with Vishambharpur P.S. Case No. 11 of 2022 , 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.

Accordingly, the bail application stands disposed of.

(Dr. Anshuman, J.)

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