

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12402 of 2022

Arising Out of PS. Case No.-397 Year-2021 Thana- MOKAMAH District- Patna

=====

DILIP PASWAN Son of Late Lakhan Paswan Resident of Village -
Panchmahla, Ward no.24, P.s.- Mokama, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha
For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-04-2022 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

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

This matter has been taken up out of turn in view of
the mentioning slip dated 27.04.2022 filed on behalf of the
petitioner that the marriage of the son of the petitioner is
scheduled to be held on 02.05.2022 and in this regard
certificates have been issued by the two Mukhiyas which are on
the record.

The petitioner seeks regular bail in connection with
Mokama P.S. Case No. 397 of 2021 for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

Altogether 60 litres of country made liquor was
recovered from the house of the petitioner during the raid



conducted by the police team after receiving secret information.

Learned counsel appearing on behalf of the petitioner submits that no seizure list has been prepared at the place of occurrence rather the same has been prepared in the police station and as such it cannot be relied upon because it loses its legal validity. Petitioner is innocent and he has clean antecedent. Petitioner is the father of the groom and is in custody since 14.12.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Considering the aforementioned facts and circumstances of the case and taking into consideration that petitioner was not present at the time of alleged seizure in his house and the seizure list has not been prepared in accordance with law, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the



satisfaction of the learned Special Judge, Excise, Barh in connection with Mokama P.S. Case No. 397 of 2021, subject to the following conditions:-

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

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(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 his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically loose its force.

(Purnendu Singh, J)

mantreshwar/-

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

