

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15236 of 2022

Arising Out of PS. Case No.-76 Year-2022 Thana- MURLIGANJ District- Madhepura

VIVEK KUMAR PASWAN Son of Shyam Paswan Resident of Village-
Jorgama, Ward No.01, P.S.- Murliganj, District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate

For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 18.02.2022, seeks
regular bail in connection with Murliganj P.S. Case No. 76 of
2022 registered for offences punishable under Sections 30(a) of
the Bihar Prohibition and Excise Act, 2018.

As per the allegation made in the FIR, during the
vehicle checking, 125 litres of country-made liquor was
recovered from an auto bearing Registration No. BR-11-M-
3111. Petitioner along with two other persons, who were also
sitting on the auto was apprehended on the spot. Accordingly,
seizure list was prepared.



Learned counsel appearing on behalf of the petitioner submits that petitioner has no concern with the alleged recovered liquor rather the same belongs to the passenger who were sitting on the auto and they have also been made accused in the present case. Petitioner was the driver of the said auto. He has been made accused in the present case merely on suspicion. Petitioner has clean antecedent and he is in custody since 18.02.2022.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Petitioner has claimed himself to be the driver of the auto bearing Registration No. BR-11-M-3111. He has made his specific submission that the liquor belongs to the passengers, who were sitting on the auto. Petitioner has been made accused on mere suspicion. Charge-sheet has already been submitted. The petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Madhepura in connection with Murliganj P.S. Case No. 76 of 2022 subject to the following conditions:

- (i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

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

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

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