

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16127 of 2022

Arising Out of PS. Case No.-1025 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

Vijay Paswan Son Of Laxmi Paswan Resident Of Village-Dighi Kala West,
P.S.-Hajipur Sadar, District-Vaishali.

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State by virtual mode.

The petitioner seeks bail in connection with Hajipur
Sadar P. S. Case No. 1025 of 2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act,

As per prosecution case, there is alleged recovery of
80 litre country made wine near the house of petitioner and the
petitioner fled away from the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 23.01.2022 and bears two more
criminal history of similar nature and he has been granted bail in



all the cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the evidence. Learned counsel for the petitioner further submits that alleged recovery has been made near the house of the petitioner and petitioner has no concern with the seized liquor. Nothing has been recovered from the conscious possession of the petitioner. His name has been falsely implicated in this case.

The learned A.P.P. for the State vehemently opposes the prayer for the bail of the petitioner.

Considering the facts and circumstances of the case, petitioner is in custody since 23.01.2022, charge sheet has been submitted in the case and there is no likelihood of tampering the evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** 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. 1-cum Additional Sessions Judge, Vaishali at Hajipur in connection with Hajipur Sadar P. S. Case No. 1025 of 2021, subject to following conditions:-

(I) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the



affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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