

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17954 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- BYPASS District- Patna

Pappu Paswan Son Of Late Dukhdevan Paswan R/O - Ranipur Harnaha Tola,
P.S.- Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Deo, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bypass P.S. Case No. 36 of 2022 registered for the alleged offences under Sections 30(a) and 37(c) of the Bihar Prohibition Act and Excise (Amendment) Act, 2018..

The prosecution case is that the police received information about 5 persons sitting in a tempo and creating ruckus. All of them were apprehended and they were found to be in inebriated condition. They were put to breathe analyzer test and the tempo was searched. Total 200 litres of country



made liquor was seized from the tempo. During the search and the seizure, petitioner and co-accused confessed that they were involved in purchase and sale of the illicit liquor.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is neither the driver nor the owner of the tempo and has nothing to do with the articles kept in the tempo. The petitioner was having no knowledge about the illicit liquor. Another co-accused Suraj kumar has been granted bail by this Court vide order dated 01.07.2022 passed in Cr. Misc. No. 14244 of 2022. The case of the petitioner is similarly placed. The charge-sheet has been submitted and the petitioner is in custody since. 26.01.2022.

Learned APP opposes the prayer for bail submitting that 200 litres of illicit liquor was recovered.

Having regard to the submissions made on behalf of the parties and considering the fact that co-accused has been granted bail, charge sheet has been submitted and further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge,



Excise Act, Patna City in connection with Bypass P.S. Case
No. 36 of 2022, subject to the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) The petitioner will not indulge in similar type of offences in future.
- (iv) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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