

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.18294 of 2022**

Arising Out of PS. Case No.-769 Year-2021 Thana- LAKHISARAI District- Lakhisarai

Upendra Paswan @ Hiya S/o Late Bhuneshwar Paswan R/o village- Kiul  
Basti, Shailesh Asthan, P.S.- Kabaiya, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Ramesh Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA  
ORAL ORDER**

2      08-07-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period  
of four weeks from today.

The petitioner seeks bail in connection with  
Lakhisarai (Kabaiya) P.S. Case No.769 of 2021 registered for  
the offence under Sections 30(a) and 32(iii) of the Bihar  
Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in  
custody since 04.01.2022.

The allegation against the petitioner is to be engaged  
in illegal trade of illicit liquor, where, there is recovery of 30  
litres of illicit country made mahua liquor.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Raushan Kumar. It has been submitted that admittedly, the recovery has not been made from the conscious physical possession of the petitioner, rather, the same has been recovered from co-accused, Raushan Kumar. It has also been submitted that petitioner is involved in two cases of excise, in which, he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery has been made from co-accused.

Considering the facts and circumstances as mentioned above, as alleged recovery has not been made from conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Lakhisarai (Kabaiya) P.S. Case No. 769 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge IV-cum-,



Exclusive Special Excise Judge, Court-I, Lakhisarai, subject to  
the following conditions:

*“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner*

*(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.*

*(iii) That one of the bailors shall be Pankaj Kumar, who is the son of the petitioner and deponent of the present bail petition.”*

**(Chandra Shekhar Jha, J)**

S.Katyayan/  
R.S.Sen/-

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