

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19905 of 2022

Arising Out of PS. Case No.-276 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Arvind Paswan Son of Sagar Paswan @ Ram Sagar Paswan Resident of
Village - Khanjahpur, Ward No.- 9, P.S.- Chariya Bariyarpur, District -
Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Braj Bhushan Poddar

For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with

Cheriya Bariyarour P.S. Case No. 276 of 2021 registered for the

offences punishable under Sections 30(a), 30(c) and 30(d) of the

Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery

of 5 litre country made liquor as well as utensils for making

liquor from the house of the petitioner and petitioner succeeded

in fleeing away from the spot. Local people disclosed the name

of the petitioner.



Learned counsel for the petitioner submits that petitioner was not apprehended on the spot and is in custody since 19.01.2022. Petitioner bears criminal antecedent of two cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.PC. The name of the petitioner has falsely been implicated mere on the suspicion.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the that petitioner was not apprehended on the spot and 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 Excise Court-1st Begusarai in connection with Cheriya Bariyarour P.S.



Case No. 276 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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