

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21475 of 2022**

Arising Out of PS. Case No.-55 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Awadh Kumar, S/o Sitaram Paswan, R/o Village - Gaura Ward No. 05, P.S. -
Magadh University, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate
For the Opposite Party/s : Mrs. Gulnar Begum, App

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 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 Excise Case No. 55 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, during checking of vehicles, about 300 litres of illicit country made liquor was recovered from a car and the petitioner is stated to be the driver of the said car who, along with two other co-accused persons,



was apprehended from the spot.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and nothing incriminating has been recovered from his conscious possession. The petitioner was merely a driver and he has no knowledge about articles being carried by the passengers. Seizure list has been prepared violating the provisions of law and it does not reflect the specific place of recovery. The petitioner is having clean antecedent and he is in custody since 02.02.2022 and prosecution report has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and considering the fact of submission of prosecution report 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 Exclusive Excise Court No.3, Gaya in connection with Excise Case No. 55 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be Shankar Paswan,



cousin brother of the petitioner, who has sworn
the affidavit in this case.

(ii) The petitioner will remain present on each and
every date fixed by the court below.

(iii) In case of absence on 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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