

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20547 of 2022

Arising Out of PS. Case No.-191 Year-2021 Thana- HULASGANJ District- Jehanabad

KAMPU PASWAN Son of Rajendra Paswan Resident of Village - Uttimpur,
P.S.- Hulasganj, Distt.- Jehanabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Deepika Sharma

For the Opposite Party/s : Mrs.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 31-08-2022 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.

The petitioner seeks bail in connection with
Hulasganj P.S. Case No. 191 of 2021 registered for the offences
punishable under Section 353 of the I.P.C. and Section 30(A) of
the Bihar Prohibition and Excise Amended Act, 2018.

As per prosecution case, there is alleged recovery
of 32 litre illicit Mahua wine from possession of co-accused
Mukesh Kumar and the aforesaid apprehended co-accused
disclosed that he was going to deliver the alleged liquor to
petitioner who sells the liquor to local people.

Learned counsel for the petitioner submits that



petitioner is in custody since 11.03.2022 and bears criminal antecedent of two cases of similar nature which has been mentioned in the supplementary affidavit kept on record. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from possession of the petitioner. He further submits that petitioner is not apprehended on the spot and co-accused Mukesh Kumar who was apprehended on the spot has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 231 of 2022 and the case of present petitioner stands on better footing.

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, petitioner is not apprehended on spot, 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 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 Judge, Excise



Court No. 1, Jehanabad in connection with Hulasganj P.S. Case
No. 191 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)

shahzad/-

U		T	
---	--	---	--

