

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21404 of 2022

Arising Out of PS. Case No.-64 Year-2021 Thana- THAWE District- Gopalganj

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Pawan Pasi @ Pawan Kumar Pasi, Son of Shri Kishun Pasi, Resident of
Village - Kabilashpur, P.s.- Thawe, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Advocate

For the Opposite Party/s : Mr. Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 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 Thawe P.S. Case No. 64 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret information that a consignment of illicit liquor was dropped near the identified place and when the police reached there, three persons fled away from there and the petitioner was identified by the *Chowkidar* as one of the persons who escaped



from the spot. On search, 72 litres of country made liquor was recovered.

The learned counsel for the petitioner submits that petitioner has not been apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The recovery has been made from an open space. The petitioner was named as an accused in this case on the basis of disclosure of the *Chowkidars* but they are on inimical terms with this petitioner. The petitioner has no concern with the alleged recovery and he was not even present at the spot. The petitioner himself surrendered before the court below. Charge-sheet has been submitted and he is in custody since 16.02.2022.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent and is accused in similar nature of cases.

Having regard to the facts and circumstances and considering the recovery from an open space and further considering the submission of charge-sheet along with period of his custody, 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 2nd Additional Sessions Judge, Excise,



Gopalganj in connection with Thawe P.S. Case No. 64 of 2021,
subject to the conditions mentioned in Section 437(3) of the
Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted
only after framing of charge, if not already
framed.
- (ii) One of the bailors will be the person, who has
sworn the affidavit on behalf of the petitioner.
- (iii) The petitioner will remain present on each
and every date fixed by the court below.
- (iv) 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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