

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21419 of 2022**

Arising Out of PS. Case No.-125 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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Rajesh Paswan, Son Of Ramchandra Paswan, R/O Village- Tira, Jatmalpur,
P.S.- Kalyanpur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mrs. Sharda Kumari, 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 Excise Case No. 125 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, recovery of 112.320 litres of illicit foreign liquor was made from the dicky of a car and the petitioner, who was apprehended from the said car, is stated to be the driver of the vehicle.



The learned counsel for the petitioner submits that the petitioner was not the permanent driver of the car and he was driving the said car on the request of the owner and the petitioner has no knowledge about the articles kept in the dickey. The petitioner has got no concern with the alleged recovery of the illicit liquor. The petitioner is neither the owner nor the driver of the car. The petitioner is in custody since 31.05.2021 and the prosecution report has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances made on behalf of the petitioner and further considering the fact that the petitioner has got no criminal antecedent and further considering the submission of prosecution report and the 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 Additional District and Sessions Judge-cum-Special Judge Excise Court No.-2, Saran in connection with Excise Case No. 125 of 2021, 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 the deponent, who has sworn the affidavit.

(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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