

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21940 of 2022

Arising Out of PS. Case No.-653 Year-2017 Thana- BODHGAYA District- Gaya

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RAMASHISH PASWAN Son of Late Banshi Paswan Resident of Village -
Samda, P.S.- Sherghati, Distt.- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2022 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 Bodh

Gaya (Cherki O.P.) P.S. Case No. 653/2017 registered for the

offences punishable under Section 414 of the Indian Penal Code

and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged recovery of

total 170 liters of country made liquor from the Tempo. The

apprehended accused persons disclosed the name of the

petitioner.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this



case. The petitioner was not apprehended on the spot and no liquor was recovered from the possession of the petitioner except confession there is no material against the petitioner. He further submits that co-accused has been granted bail by co-ordinate Bench of this Court vide Cr. Misc. No. 10183/2018. The petitioner is in custody since 30.12.2021 and petitioner bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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

Considering the facts and circumstances of the case as well as period of custody and taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Gaya in connection with Bodh Gaya (Cherki O.P.) P.S. Case No. 653/2017, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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 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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