

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22129 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- BIDUPUR District- Vaishali

Nanhki Paswan @ Shivchandra Paswan Son of Bhuletan Paswan Resident of
village - Mustafapur, P.S.- Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 30 (A) (B) (C) of the Bihar
Prohibition and Excise Act, 2018.

Recovery is of total 140 litres of illicit country made
liquor.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the name
of the petitioner has been transpired on the basis of confessional



statement of co-accused Shekhar Ray. He further submits that nothing has been recovered from the conscious possession of the petitioner and he has no concern with the alleged recovery. He further submits that similarly situated, co-accused, namely, Shekhar Ray has been granted bail by a Co-ordinate Bench of this Court vide order dated 11.07.2022 passed in Cr. Misc. No. 17222 of 2022. The petitioner is in custody since 10.02.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bidupur P.S. Case No. 60 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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