

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22864 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- MAHINDWARA District- Sitamarhi

Sunil Paswan Son Of Late Virendra Paswan Resident Of Village- Olipur, P.S-
Mahindwara, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Sanjay Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor
for the State through video conferencing.

Petitioner seeks bail in a case registered in
connection with Mahindwara P.S.Case No. 147 of 2021 for
the offences punishable under Sections 414 of the Indian
Penal Code and section 30(a), 36 of the Bihar Prohibition
& Excise Act 2018.

As per the prosecution case, it is alleged that the
police on secret information, intercepted a tempo and
motorcycle. However, on seeing the police party petitioner



and three co-accused persons fled away leaving the vehicles and on search being made altogether 85.500ml illicit foreign liquor was recovered.

It is submitted by the learned counsel for the petitioner that petitioner was neither arrested on the spot nor he has any concern with the seized tempo and motorcycle from which recovery has been made. It is next submitted that prosecution story appears to be absurd that recovery has been made in the night and allegedly this petitioner was identified by the police party with his full name, parentage and address, while he was fleeing. It is next submitted that this petitioner is in custody since 11.02.2022 and save and except, the disclosure made by the police party, there is no incriminating material, which suggests the complicity of the petitioner in the said crime.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has found involved in one another case of similar nature.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was



neither arrested nor any incriminating material has been recovered, apart from the fact that he has no concern with the seized vehicle and he is in custody since 11.02.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Exclusive Special Excise Court-I, Sitamnarhi in connection with Mahindwara P.S.Case No. 147 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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