

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23036 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- NAUTAN District- Siwan

SONU KUMAR PASWAN S/o Shyamdev Paswan R/o village- Bhopatpura,
P.S.- Khempar, Distt.- Deoria (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Anupam

For the Opposite Party/s : Ms.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Nautan P.S. Case No. 70 of 2022 registered for the alleged offences under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 164.160 liters of India made foreign liquor was recovered from a tractor trolley during checking of vehicles. The petitioner and co-accused were apprehended and the petitioner is stated to be the driver of the tractor.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He has no knowledge about the seized contraband. He is merely a driver. Nothing has been recovered from his conscious possession. Charge sheet has been submitted in this case and the petitioner is in custody since 18.03.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner was apprehended from the spot.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner is stated to be the driver of the vehicle and further considering the submission of charge sheet as well as period of custody of the petitioner, 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 A.D.J. Special Excise Court-2, Siwan in connection with Nautan P.S. Case No. 70 of 2022, 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 a close relative of the petitioner.



(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)

Gautam/-

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