

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23743 of 2022

Arising Out of PS. Case No.-109 Year-2021 Thana- KATRA District- Muzaffarpur

Tipu Paswan @ Vikram Paswan Son of Vimal Paswan R/O Village - Yajuar,
P.S.- Katra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 12-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Katra P.S. Case No. 109 of 2021 lodged under Sections 414/34
of the Indian Penal Code read with Sections 30(a), 32, 41(i) of
Bihar Prohibition and Excise Act, 2016.

The prosecution case is that, total recovery of
3566.160 liters of foreign liquor was alleged to be recovered at
the house of one Arun Thakur.

Learned counsel for the petitioner submits that
petitioner has not apprehended from the place of occurrence,
nothing recovered from his possession. He further submits that

chargesheet has already been filed in this case and petitioner is in custody since 30.09.2021. He also submits that there is one case pending against him in which he has been granted bail and the said case is not related to Excise Act. He further submits that other co-accused persons have already been granted bail by this Court vide order dated 08.10.2021 passed in Cr. Misc. No. 40933 of 2021 and vide order dated 24.06.2022 passed in Cr. Misc. No. 64130 of 2021.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Muzaffarpur in connection with Katra P.S. Case No. 109 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his

bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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