

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33964 of 2021

Arising Out of PS. Case No.-18 Year-2021 Thana- DEODHA District- Madhubani

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Amar Paswan Son of Rajendra Paswan Resident of Village - Mukari Tola,
P.S.- Jaynagar, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-02-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in Virtual Court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Deodha P.S.

Case No. 18 of 2021, corresponding to G.R. No. 321 of 2021

registered for the offences punishable under Sections 272, 273,

414, 34 of the Indian Penal Code and Section 30(a) of Bihar

Prohibition and Excise Act, 2016.

According to prosecution case, total 270 liters Nepali

liquor was recovered from the conscious possession of the

accused persons.



Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. nothing is recovered from conscious possession of the petitioner, rather the recovery has been made from the motorcycle in question. He further submits that neither the motorcycle nor the illicit liquor is belongs to the petitioner. He further submits that similarly situated, co-accused, namely, Ram Kumar Mahto has been granted bail by a co-ordinate Bench of this Court vide order dated 01.12.2021 passed in Cr. Misc. No. 34135 of 2021. The petitioner is in custody since 24.02.2021.

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

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 Additional Sessions Judge-2-cum-Special Judge (Excise Act), Madhubani in connection with Deodha P.S. Case No. 18 of 2021, corresponding to G.R. No. 321 of 2021, 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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