

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26304 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- BALRAMPUR District- Katihar

Brajesh Paswan @ Brajes Paswan S/O Pappu Paswan @ Rawan Paswan R/o
village- Dighaun, P.S.- Beldaur, District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 06-08-2022 Heard learned counsel for the petitioner and learned
APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Balrampur (Telta) P.S. Case No. 131 of 2021 under sections
30(a) of Bihar Prohibition and Excise Act.

The prosecution story, in brief, is that the Station
House Officer, Balrampur got information that between the
vegetables loaded on one Bolero wine is also hidden under it.
Upon search, the police recovered 837 liters of English wine of
different brands from the said Bolero. Accordingly, the police
arrested the accused persons and seizure list was prepared.

Learned counsel for the petitioner submits that the



recovery of 837 liters of English wine from the Bolero cannot be attributed to him as he was not present at the place of occurrence and only because on a call that was attributed to him, he has made accused in this case, as a result whereof, he is in judicial custody since 18.2.2022 (as stated in para-13 of the bail application). Further submission is that he has no criminal antecedent.

Considering the aforesaid submission made by the learned counsel for the petitioner coupled with the fact that charge-sheet stands submitted, he has no criminal antecedent and is in custody since 18.2.2022, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Katihar, in connection with Balrampur (Telta) P.S. Case No. 131 of 2021 subject to the following conditions:

- (i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;
- (ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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