

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27214 of 2022

Arising Out of PS. Case No.-92 Year-2022 Thana- KATEYA District- Gopalganj

AKASH PASWAN @ GOLU SON OF VINOD PASWAN @ VINOD R/O
VILLAGE- TAMKUHI RAJ, HARIHARPUR, P.S.- TAREYA SUJAN,
DISTRICT- KUSHINAGAR (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Kateya
P.S. Case No. 92 of 2022 registered for the offences punishable
under Sections 414/34 of the I.P.C. and Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

As per prosecution case, there is alleged recovery
of 75.6 litres foreign liquor from the Bolero in question. The
petitioner along with other co-accused was apprehended on the
spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 07.03.2022 and bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner was only the driver of the said vehicle and he has no concern with the recovered illicit liquor.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Excise Judge, Gopalganj in connection with Kateya P.S. Case No. 92 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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