

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27884 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- TANKUPPA District- Gaya

Suresh Paswan Son Of Late Dhanuk Paswan R/O Village- Akurahawan,
(lalsalam), Tola- Rainpuri, P.S.- Tankuppa, District- Gaya (BIHAR)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Navnit Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Tankuppa P.S. Case No. 15 of 2020 for the offences punishable under Sections 272 and 273 of the Indian Penal Code and section 30(a) of the Bihar Excise (Prohibition) Amendment Act, 2018.

As per the prosecution case, it is alleged that while the police party was on patrolling on secret information raided the house of the petitioner and on search total 100



liters country made liquor was recovered.

Learned counsel for the petitioner submits that petitioner was neither arrested at the spot nor any incriminating material has been recovered and moreover, the alleged recovery has been made from a joint family house and as such the petitioner cannot be held responsible for that. It is next submitted that only because of past criminal antecedent, petitioner has been implicated in this case and he is on bail in the previously instituted case. It is next submitted that the petitioner is in custody since 06.04.2022 and though the investigation of the crime is concluded and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither arrested at the spot nor any incriminating material has been recovered. The alleged recovery has been made from the joint family house and after completion of the investigation charge sheet has been submitted. There is no likelihood of commencement of trial in near future, let the



petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Gaya in connection with Tankuppa P.S.Case No. 15 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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