

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29315 of 2022

Arising Out of PS. Case No.-215 Year-2021 Thana- KHODAWANDPUR District- Begusarai

BACHCHA BABU PASWAN @ BACHCHA PASWAN SON OF
VISHNUDEO PASWAN R/O VILLAGE- MILKI, P.S.- KHODAWANDPUR,
DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey, APP

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-07-2022 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Khodawandpur P.S. Case No. 215 of 2021 registered for the offence under Sections 272 and 273 of Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in custody since 17.12.2021.

The allegation against the petitioner is to be engaged in illegal trade/manufacturing of illicit liquor, where, there is



recovery of 70 litres of illicit country made liquor and manufacturing utensils.

Learned counsel appearing on behalf of the petitioner submitted that alleged recovery has been made from hutment of the petitioner, which is jointly occupied by other family members. Moreover, there is no recovery of raw material, as such, it cannot be said that petitioner was involved in manufacturing of illicit liquor. It has further been submitted that only reason to implicate the petitioner, that he is involved in one other case, in which, he is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery has been made from hutment of the petitioner.

Considering the facts and circumstances as mentioned above, as alleged recovery is not made from conscious physical possession of the petitioner coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection



with Khodawandpur P.S. Case No. 215 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court No.1, Begusarai/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Rita Devi, who is the wife of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S. Sen/-

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