

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30381 of 2022**

Arising Out of PS. Case No.-173 Year-2021 Thana- KUTUMBA District- Aurangabad

=====

SUBHASH PASWAN @ SUBHASH KUMAR Son of Gopal Paswan
Resident of Village - Neura, P.s.- Kutumba, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Ajay Kumar Jha

=====

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.

The petitioner seeks bail in connection with

Kutumba P.S. Case No. 173 of 2021 registered for the offences

punishable under Sections 30(a) of the Bihar Prohibition and

Excise Amendment Act.

As per prosecution case, there is alleged recovery

of 120 liters illicit liquor from five motorcycles in question.

Petitioner and others fled away from the place of occurrence,

however, one accused person is apprehended on spot who

disclosed the name of petitioner and others as fled away

persons.



Learned counsel for the petitioner submits that petitioner is in custody since 23.04.2022. Petitioner bears criminal antecedent of one case of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing incriminating article has been recovered either from the possession or from the hose of the petitioner. Alleged country made liquor has been recovered from the co-accused Chhotu Kumar Paswan. Petitioner is not apprehended on spot. There is no compliance of Section 100 of Cr.P.C.

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

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted 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 after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise I, Aurangabad in connection with Kutumba P.S. Case



No. 173 of 2021, 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)

amitkr/-

U		T	
---	--	---	--

