

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28803 of 2022

Arising Out of PS. Case No.-304 Year-2021 Thana- SIMRI District- Buxar

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Ramesh Paswan@Ramesh Kumar Paswan @RUMESH Paswan Son Of
Bhikhari Paswan R/O Vill- Balihar, P.S.- Simari, Dist.- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tushar Vaihbav, Adv

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 Heard learned counsel for the petitioner as well

as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Simari P.S Case No. 304 of 2021 for the
offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act.

As per the prosecution case, it is alleged that on
secret information two persons, who were riding on a
motorcycle carrying illicit liquor chased by the police and
noticing the police they kept the bag in the field and
succeeded to flee away. It is further alleged that local
chaukidar identified the accused persons.

It is submitted by the learned counsel for the



petitioner that he was neither arrested at the spot nor any incriminating material has been recovered from persons and possession of the petitioner. It is further submitted that save and except disclosure made by the local chaukidar, there is no material which suggests the complicity of the petitioner. It is further submitted that petitioner has neither any concern with the alleged motorcycle nor with the recovered liquor. It is next submitted that the petitioner is in custody since 24.04.2022 having clean antecedent.

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 from person and possession of the petitioner. He is in custody since 24.04.2022, having fair antecedent, 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 Exclusive Special Judge Excise , Buxar in connection with Simari P.S.Case No. 304 of 2021



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.

(Harish Kumar, J)

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