

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31629 of 2022

Arising Out of PS. Case No.-224 Year-2021 Thana- KARJA District- Muzaffarpur

Raju Paswan, S/o Late Shambhu Paswan, R/o Village- Basatpur Malikan,
P.S.- Karja, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-08-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Sanjay Kumar, learned counsel for the petitioner and learned APP for the State through video conference.

The petitioner seeks regular bail, who is in custody in connection with Kajra P.S. Case No. 224 of 2021 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2017-18.

As per prosecution case, it is alleged that the police on a secret information that accused persons are engaged in selling of liquor, raided the place of occurrence and on search 30 litres of illicit country made liquor was recovered from a thatched hut.



It is further alleged that co-accused Birendra Paswan disclosed the name of his associates, including the petitioner.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and the alleged recovery has been made from a thatched hut, which does not belong to the petitioner. It is next submitted that save and except the disclosure made by the co-accused person, there is no material, which suggests the complicity of the petitioner in the present case and moreover the petitioner is in custody since 24.01.2022, having clean antecedent, apart from the fact that investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand learned APP for the State opposes the bail application.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and moreover the recovery has been made from a thatched hut, which does not belong to the petitioner and he is in custody since 24.01.2022, having clean antecedent, apart from the fact that investigation of the crime is already



completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.-II, Muzaffarpur in connection with Kajra P.S. Case No. 224 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 physically 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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