

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30713 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- PANJWARA District- Banka

Shatrughan Paswan, Son of Parmanand Paswan, Resident of Village-
Husainichak, P.S.- Balia, Distt.- Begusarai (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwarkar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-08-2022 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. Diwakar, learned counsel appearing on
behalf of the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Panjwara P.S. Case No. 34 of 2022 registered
for the offences punishable under Sections 30(a)/32(2) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that while the
police was on patrolling duty, they intercepted a tempo and on
search 135 litres of Indian made foreign liquor was recovered
from the said tempo and the petitioner, who was driving the said
tempo, was apprehended.



Learned counsel appearing on behalf of the petitioner submits that the petitioner happens to be driver of the tempo and on the fateful day he was carrying the passengers and some goods, however, on noticing the police party, the passengers, who were carrying the alleged liquor kept in a cartoon fled away and the petitioner was apprehended. It is next submitted that the petitioner has nothing to do with the goods, as he was not even aware as to what was being loaded by the passengers and kept by them and moreover he being the driver of the tempo is in custody since 13.03.2022, having fair antecedent, and moreover after completion of the investigation, 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, being the driver of the tempo, was not even aware as to what was being loaded by the passengers and kept by them and he is in custody since 13.03.2022, having fair antecedent, and moreover after completion of the investigation, charge-sheet has been submitted and there is no likelihood of commencement of trial in near future, 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 Additional Sessions Judge-V, Banka in connection with Panjwara P.S. Case No. 34 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 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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