

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40177 of 2021**

Arising Out of PS. Case No.-194 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

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Vicky Kumar Paswan S/O Darshan Paswan R/O Village-Hasanur, P.S-
Kundwachainpur, District-East Champaran, Motihari.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 08-02-2022 At the outset, learned counsel for the petitioner seeks

permission to make correction with regard to the year of the

case number. The correct case number is Kundwachainpur P.S.

Case No. 194 of 2020.

Let the correction be carried out.

Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.

Rajesh Kumar, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Kundwachainpur P.S. Case No. 194 of

2020 registered for the offences punishable under Sections

30(a), 32 and 41(1) of Bihar Prohibition and Excise Act, 2018.



He is in custody since 17.12.2020. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that the petitioner was arrested while sitting in the Bolero vehicle from which 3000 piece Nepali Saufi wine each piece containing 300 ml was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no recovery from the conscious possession of the petitioner. The petitioner has remained in custody since 17.12.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that the Nepali Saufi wine has been recovered from the Bolero and not from the conscious possession of the petitioner, the petitioner has got no concern with the said Bolero vehicle and he was arrested unknowingly while sitting there as a passenger, he has no criminal antecedent and in connection with this case the petitioner has remained in custody for more than one year, investigation against him is complete, thus, this Court directs



release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, East Champaran, Motihari in connection with Kundwachainpur P.S. Case No. 194 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

