

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31703 of 2022

Arising Out of PS. Case No.-489 Year-2017 Thana- NAWADA District- Nawada

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Pawan Kumar, S/o Bharat Singh, R/o Village - Pachchiyadh, P.S. - Muffasil,
District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Nawada P.S. Case No. 489 of 2017 registered for the alleged offences under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, total 150.750 litres of India made foreign liquor was recovered from the dicky of Honda City car. The petitioner along with other co-accused persons were named in the FIR who have brought this illicit liquor from



Jharkhand.

The learned counsel for the petitioner submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his possession. Recovery has been shown from a Honda City car which does not belong to this petitioner. Nothing came up even during the investigation against this petitioner and the whole prosecution story is false and fabricated. The petitioner is in custody since 19.02.2022 and the charge-sheet has been submitted in this case. Learned counsel further submits that though the petitioner has been made accused in six other cases, but in all those cases, he is on bail.

Learned APP opposes the prayer for bail submitting that recovery of more than 150 litres of illicit liquor has been from the car and the petitioner is a habitual offender who is involved in illicit trade of liquor.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from the conscious possession of this petitioner and further considering the period of custody along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Special Excise Judge-1, Nawada, in connection with Nawada P.S. Case No. 489 of 2017, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the deponent, who has sworn the affidavit.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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